

By Senator Hukill

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1 A bill to be entitled
2 An act relating to the 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 to
15 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 to
19 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 or s. 787.02, when the victim of
28 the offense was a minor; s. 787.025(2)(c); s. 794.011, excluding
29 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;

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30 s. 800.04; s. 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145;
 31 or s. 985.701(1); or a violation of a similar law of another
 32 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 ranking
 39 chart.-

40 (3) OFFENSE SEVERITY RANKING CHART

41 (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 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

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			who is in a patrol vehicle with siren and lights activated.
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	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
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	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
49			
	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
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	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
51			
	456.065(2)	3rd	Practicing a health care profession without a license.
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	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.

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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 dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care

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			services without a license.
64	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
65	483.901 (7)	3rd	Practicing medical physics without a license.
66	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
67	484.053	3rd	Dispensing hearing aids without a license.
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

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71			or payment instruments exceeding \$300 but less than \$20,000.
72	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
73	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
74	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
75	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
76	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

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77 782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

78 782.071 2nd Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).

79 782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

80 784.045(1)(a)1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.

81 784.045(1)(a)2. 2nd Aggravated battery; using deadly weapon.

82 784.045(1)(b) 2nd Aggravated battery; perpetrator aware victim pregnant.

83 784.048(4) 3rd Aggravated stalking; violation of injunction or court order.

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84	784.048 (7)	3rd	Aggravated stalking; violation of court order.
85	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
86	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
87	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
88	784.081 (1)	1st	Aggravated battery on specified official or employee.
89	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
90	784.083 (1)	1st	Aggravated battery on code inspector.
91	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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92			by the transfer or transport of an adult from outside Florida to within the state.
93	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
94	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
95	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
96	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
97	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

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790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

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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.

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796.05 (1) 1st Live on earnings of a prostitute; 2nd offense.

101

796.05 (1) 1st Live on earnings of a prostitute; 3rd and subsequent offense.

102

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.

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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.

106

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.

108

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

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\$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.

113

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

114

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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119	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
120	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
121	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
122	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
123	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
124	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.
125	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49

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counterfeit credit cards or
related documents.

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

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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.

128

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

129

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

130

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

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838.015 2nd Bribery.

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838.016 2nd Unlawful compensation or reward
for official behavior.

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838.021 (3) (a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855 (2)	3rd	Impersonation of a public officer or employee.
843.0855 (3)	3rd	Unlawful simulation of legal process.
843.0855 (4)	3rd	Intimidation of a public officer or employee.
847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

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

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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.

144

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

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893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 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.
- 893.135(1)(e)1. 1st Trafficking in methaqualone,
more than 200 grams, less than
5 kilograms.
- 893.135(1)(f)1. 1st Trafficking in amphetamine,
more than 14 grams, less than
28 grams.
- 893.135 1st Trafficking in flunitrazepam, 4
(1)(g)1.a. grams or more, less than 14
grams.
- 893.135 1st Trafficking in gamma-
(1)(h)1.a. hydroxybutyric acid (GHB), 1
kilogram or more, less than 5
kilograms.
- 893.135 1st Trafficking in 1,4-Butanediol,
(1)(j)1.a. 1 kilogram or more, less than 5
kilograms.
- 893.135 1st Trafficking in Phenethylamines,
(1)(k)2.a. 10 grams or more, less than 200
grams.

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161 893.1351 (2) 2nd Possession of place for
trafficking in or manufacturing
of controlled substance.

162 896.101 (5) (a) 3rd Money laundering, financial
transactions exceeding \$300 but
less than \$20,000.

163 896.104 (4) (a) 1. 3rd Structuring transactions to
evade reporting or registration
requirements, financial
transactions exceeding \$300 but
less than \$20,000.

164 943.0435 (4) (c) 2nd Sexual offender vacating
permanent residence; failure to
comply with reporting
requirements.

165 943.0435 (8) 2nd Sexual offender; remains in
state after indicating intent
to leave; failure to comply
with reporting requirements.

166 943.0435 (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.

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943.0435 (14)

3rd

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

168

944.607 (9)

3rd

Sexual offender; failure to comply with reporting requirements.

169

944.607 (10) (a)

3rd

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

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944.607 (12)

3rd

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

171

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.

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

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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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Section 3. This act shall take effect October 1, 2017.