

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.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

13  
 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 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;  
 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  
 39 ranking chart.—

40 (3) OFFENSE SEVERITY RANKING CHART

41 (g) LEVEL 7

42

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.

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409.920                    3rd    Medicaid provider fraud;  
 (2) (b) 1.a.                \$10,000 or less.

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409.920                    2nd    Medicaid provider fraud; more  
 (2) (b) 1.b.                than \$10,000, but less than  
 \$50,000.

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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.

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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 (7)	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

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			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.

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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.

103

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.

104

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

105

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

106

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

107

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

108

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

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emergency vehicle.

109

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

110

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.

111

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

112

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

113

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

114

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

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

115

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

116

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

117

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

118

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

119

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

120

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

121

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

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	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.
123	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
124	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
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

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great bodily harm, disability,  
or disfigurement.

128

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

129

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

130

838.015 2nd Bribery.

131

838.016 2nd Unlawful compensation or reward  
for official behavior.

132

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

133

838.22 2nd Bid tampering.

134

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

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

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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.
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.

143

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.

144

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

145

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

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147	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
148	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
149	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
150	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
151	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
152	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than

200 grams.

153

893.135 (1) (e) 1. 1st Trafficking in methaqualone,  
more than 200 grams, less than  
5 kilograms.

154

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

155

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

156

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

157

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

158

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

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159	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
160	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
161	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
162	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
163	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
164	943.0435 (9) (a)	3rd	Sexual offender; failure to

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comply with reporting requirements.

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.

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170 | 944.607(13) | 3rd | Sexual offender; failure to  
 report and reregister; failure  
 to respond to address  
 verification; providing false  
 registration information.

171 | 985.4815(10) | 3rd | Sexual offender; failure to  
 submit to the taking of a  
 digitized photograph.

172 | 985.4815(12) | 3rd | Failure to report or providing  
 false information about a  
 sexual offender; harbor or  
 conceal a sexual offender.

173 | 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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175 | Section 3. This act shall take effect October 1, 2017.