

By Senator Hukill

8-00342-16

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

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

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

775.21 The Florida Sexual Predators Act.—

(10) PENALTIES.—

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

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

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

794.056 Rape Crisis Program Trust Fund.—

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

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

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

921.0022 Criminal Punishment Code; offense severity ranking  
 chart.—

(3) OFFENSE SEVERITY RANKING CHART

(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

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			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	3rd	Medicaid provider fraud;
	(2) (b) 1.a.		\$10,000 or less.
77			
	409.920	2nd	Medicaid provider fraud;
	(2) (b) 1.b.		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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80

458.327(1)

3rd

Practicing medicine  
without a license.

81

459.013(1)

3rd

Practicing osteopathic  
medicine without a  
license.

82

460.411(1)

3rd

Practicing chiropractic  
medicine without a  
license.

83

461.012(1)

3rd

Practicing podiatric  
medicine without a  
license.

84

462.17

3rd

Practicing naturopathy  
without a license.

85

463.015(1)

3rd

Practicing optometry  
without a license.

86

464.016(1)

3rd

Practicing nursing without  
a license.

87

465.015(2)

3rd

Practicing pharmacy  
without a license.

88

466.026(1)

3rd

Practicing dentistry or

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dental hygiene without a  
license.

89

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)3rdSexual predator using or  
operating a drone to view  
or record a minor.

102

775.21(10)(h)

3rd

~~775.21(10)(g)~~Failure to report or  
providing false  
information about a sexual  
predator; harbor or  
conceal a sexual predator.

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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106	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
107	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
108	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
109	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
110	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
111	784.048 (7)	3rd	Aggravated stalking; violation of court order.
112	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
113	784.074 (1) (a)	1st	Aggravated battery on

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sexually violent predators  
facility staff.

784.08 (2) (a)

1st

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

784.081 (1)

1st

Aggravated battery on  
specified official or  
employee.

784.082 (1)

1st

Aggravated battery by  
detained person on visitor  
or other detainee.

784.083 (1)

1st

Aggravated battery on code  
inspector.

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

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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.
	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.
139	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
140	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
141	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
142	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 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.

(2) (b) &amp; (3) (b)

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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155

827.04 (3)

3rd

Impregnation of a child  
under 16 years of age by  
person 21 years of age or  
older.

156

837.05 (2)

3rd

Giving false information  
about alleged capital  
felony to a law  
enforcement officer.

157

838.015

2nd

Bribery.

158

838.016

2nd

Unlawful compensation or  
reward for official  
behavior.

159

838.021 (3) (a)

2nd

Unlawful harm to a public  
servant.

160

838.22

2nd

Bid tampering.

161

843.0855 (2)

3rd

Impersonation of a public  
officer or employee.

162

843.0855 (3)

3rd

Unlawful simulation of  
legal process.

163

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

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