

HB 471

2018

1 A bill to be entitled
2 An act relating to unmanned aircraft; amending s.
3 330.41, F.S.; defining the term "fixed-site facility";
4 prohibiting a person from knowingly or willingly
5 operating a drone over, allowing a drone to make
6 contact with, allowing a drone to come within a
7 certain distance of, or using a drone to introduce
8 contraband into or within the secure perimeter of a
9 fixed-site facility; providing criminal penalties;
10 amending s. 934.50, F.S.; authorizing the use of a
11 drone if a law enforcement agency possesses reasonable
12 suspicion that, under particular circumstances, swift
13 action is needed to facilitate the collection of
14 evidence at a crime scene or traffic crash scene;
15 providing an effective date.

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

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19 Section 1. Subsections (2) and (4) of section 330.41,
20 Florida Statutes, are amended to read:

21 330.41 Unmanned Aircraft Systems Act.—

22 (2) DEFINITIONS.—As used in this act, the term:

23 (a) "Critical infrastructure facility" means any of the
24 following, if completely enclosed by a fence or other physical
25 barrier that is obviously designed to exclude intruders, or if

26 | clearly marked with a sign or signs which indicate that entry is
 27 | forbidden and which are posted on the property in a manner
 28 | reasonably likely to come to the attention of intruders:

- 29 | 1. An electrical power generation or transmission
- 30 | facility, substation, switching station, or electrical control
- 31 | center.
- 32 | 2. A chemical or rubber manufacturing or storage facility.
- 33 | 3. A mining facility.
- 34 | 4. A natural gas or compressed gas compressor station,
- 35 | storage facility, or natural gas or compressed gas pipeline.
- 36 | 5. A liquid natural gas or propane gas terminal or storage
- 37 | facility with a capacity of 4,000 gallons or more.
- 38 | 6. Any portion of an aboveground oil or gas pipeline.
- 39 | 7. A wireless communications facility, including the
- 40 | tower, antennae, support structures, and all associated ground-
- 41 | based equipment.

42 | (b) "Drone" has the same meaning as s. 934.50(2).

43 | (c) "Fixed-site facility" means any of the following, if
 44 | completely enclosed by a fence or other physical barrier that is
 45 | obviously designed to exclude intruders, or if clearly marked
 46 | with one or more signs that indicate that entry is forbidden and
 47 | that are posted on the property in a manner reasonably likely to
 48 | come to the attention of intruders:

- 49 | 1. A state correctional institution as defined in s.
- 50 | 944.02.

51 2. A secure detention center or facility, a high-risk
 52 residential facility, or a maximum-risk residential facility as
 53 defined in s. 985.03.

54 3. A county detention facility as defined in s. 951.23.

55 ~~(d)(e)~~ "Unmanned aircraft system" means a drone and its
 56 associated elements, including communication links and the
 57 components used to control the drone which are required for the
 58 pilot in command to operate the drone safely and efficiently.

59 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

60 (a) A person may not knowingly or willfully:

61 1. Operate a drone over a critical infrastructure facility
 62 or fixed-site facility;

63 2. Allow a drone to make contact with a critical
 64 infrastructure facility or fixed-site facility, including any
 65 person or object on the premises of or within the facility; ~~or~~

66 3. Allow a drone to come within a distance of a critical
 67 infrastructure facility or fixed-site facility which ~~that~~ is
 68 close enough to interfere with the operations of or cause a
 69 disturbance to the facility; or.

70 4. Use a drone to introduce contraband as defined in s.
 71 944.47, s. 985.711, or s. 951.22 into a fixed-site facility, or
 72 upon the grounds of or within the secured perimeter of the
 73 fixed-site facility.

74 (b) A person who violates subparagraph (a)1., subparagraph
 75 (a)2., or subparagraph (a)3. ~~paragraph (a)~~ commits a misdemeanor

76 of the second degree, punishable as provided in s. 775.082 or s.
77 775.083. A person who commits a second or subsequent violation
78 of subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3.
79 commits a misdemeanor of the first degree, punishable as
80 provided in s. 775.082 or s. 775.083. A person who violates
81 subparagraph (a)4. commits a felony of the second degree,
82 punishable as provided in s. 775.082 or s. 775.083.

83 (c) This subsection does not apply to actions identified
84 in paragraph (a) which are committed by:

85 1. A federal, state, or other governmental entity, or a
86 person under contract or otherwise acting under the direction of
87 a federal, state, or other governmental entity.

88 2. A law enforcement agency that is in compliance with s.
89 934.50, or a person under contract with or otherwise acting
90 under the direction of such law enforcement agency.

91 3. An owner, operator, or occupant of the critical
92 infrastructure facility, or a person who has prior written
93 consent of such owner, operator, or occupant.

94 (d) Subparagraph (a)1. does not apply to a drone operating
95 in transit for commercial purposes in compliance with Federal
96 Aviation Administration regulations, authorizations, or
97 exemptions.

98 (e) This subsection shall sunset 60 days after the date
99 that a process pursuant to s. 2209 of the FAA Extension, Safety
100 and Security Act of 2016 becomes effective.

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101 Section 2. Paragraph (c) of subsection (4) of section
 102 934.50, Florida Statutes, is amended to read:

103 934.50 Searches and seizure using a drone.—

104 (4) EXCEPTIONS.—This section does not prohibit the use of
 105 a drone:

106 (c) If the law enforcement agency possesses reasonable
 107 suspicion that, under particular circumstances, swift action is
 108 needed to prevent imminent danger to life or serious damage to
 109 property;~~;~~ to forestall the imminent escape of a suspect or the
 110 destruction of evidence; to facilitate the collection of
 111 evidence at a crime scene or traffic crash scene;~~;~~ or to achieve
 112 purposes including, but not limited to, facilitating the search
 113 for a missing person.

114 Section 3. This act shall take effect October 1, 2018.