

Committee on Criminal Justice

CS/HB 1027 — Unmanned Devices

by Transportation and Infrastructure Subcommittee and Rep. Yarborough and others
(CS/CS/SB 832 by Rules Committee; Criminal Justice Committee; and Senator Young)

Personal Delivery Devices

The bill establishes a regulatory framework for personal delivery devices (PDDs), creating definitions and approved operating parameters in ch. 316, F.S., the Florida Uniform Traffic Control Law.

The bill amends s. 316.008, F.S., to authorize PDD operation in the absence of a local prohibition and authorizes local governmental entities to regulate operation of PDDs within county or municipal jurisdictions under certain conditions.

PDDs are treated like pedestrians by the bill and are specifically excluded from the definition of motor vehicles and the attendant registration and insurance requirements in ch. 320, F.S. The bill also amends ss. 324.021(1) and 324.022(2)(a), F.S., to provide that PDDs are not motor vehicles for purposes of the Motor Vehicle Financial Responsibility Law.

The bill requires a person who owns and operates a PDD to maintain an insurance policy, on behalf of himself or herself and his or her agents, that provides general liability coverage of at least \$100,000 for damages arising from PDD operation.

Drones

The bill also creates s. 330.41, F.S., the “Unmanned Aircraft Systems Act.” It preempts local governments from regulating the operation of unmanned aircraft systems, but does allow them to enact or enforce local ordinances relating to illegal acts arising from the use of unmanned aircraft systems if the ordinances are not specifically related to the use of a drone for the commission of the illegal acts.

The bill protects critical infrastructure facilities, as defined in the bill, by prohibiting any person from knowingly or willfully:

- Operating a drone over a critical infrastructure facility, unless the drone is in transit for commercial purposes and is in compliance with Federal Aviation Administration regulations;
- Allowing a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allowing a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

The bill creates exemptions to these prohibitions, including for persons acting under the direction of a government or drones operating in transit for commercial purposes. A first violation of a prohibition is a second degree misdemeanor and a second or subsequent violation is a first

degree misdemeanor. It is anticipated that the Federal Aviation Administration will adopt a process for seeking a designation as a fixed site facility, and this portion of the bill will sunset 60 days after the effective date of such process.

Section 330.411, F.S., is created by the bill to prohibit a person from possessing or using a weaponized drone.

The bill also amends s. 934.50, F.S., to authorize the use of a drone by a communications service provider or a contractor for a communications service provider for routing, siting, installation, maintenance, or inspection of facilities used to provide communications services.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 35-0; House 115-0