

Committee on Criminal Justice

CS/CS/HB 1121 — Unmanned Aircraft and Unmanned Aircraft Systems

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Canady and others
(CS/CS/SB 1422 by Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Truenow)

The bill amends s. 330.41, F.S., to increase the criminal penalties from a second degree misdemeanor to a third degree felony if a person knowingly or willfully:

- Operates a drone over a critical infrastructure facility unless the operation is for a commercial purpose and is authorized by and in compliance with Federal Aviation Administration (FAA) regulations;
- Allows a drone to make contact with a critical infrastructure facility including any person or object on the premises of or within the facility; or
- Allows 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 definition of critical infrastructure facility is amended to include wired communication facilities.

The bill amends s. 330.411, F.S., to specify it is a third degree felony for a person to *knowingly or willfully* possess or operate an unmanned aircraft or unmanned aircraft system with an attached weapon, firearm, explosive, destructive device, or ammunition.

Additionally, for the purpose of violating provisions prohibiting the operation of a drone over critical infrastructure as provided in s. 330.41(4)(a), F.S., it is a third degree felony to knowingly or willfully:

- Alter, manipulate, tamper with, or otherwise change an unmanned aircraft or unmanned aircraft system's hardware or software to purposefully frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the FAA as they relate to any unmanned aircraft or unmanned aircraft system; or
- Possess or operate such an altered, manipulated, etc., unmanned aircraft or unmanned aircraft system.

The above-described offenses do not apply if a person is authorized by the administrator of the FAA or the Secretary of Defense, or their respective designees, to alter, possess, or operate such an altered unmanned aircraft or unmanned aircraft system.

A person who, without lawful authority, possesses or operates an unmanned aircraft or unmanned aircraft system that carries a weapon of mass destruction, or a hoax weapon of mass destruction, commits a first degree felony.

The bill amends s. 934.50, F.S., to create a first degree misdemeanor if a person operates a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such

a person's reasonable expectation of privacy. It is a third degree felony if a person knowingly and willfully commits this crime and intentionally distributes surveillance.

These penalties do not apply to a state agency, political subdivision, or law enforcement agency or to an officer, employee, or agent of such subdivision or agency who is acting in the course and scope of his or her employment.

Additionally, a law enforcement agency may use a drone to provide or maintain the public safety of a crowd of 50 people or more, and also in furtherance of providing and maintaining the security of an elected official.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2025.

Vote: Senate 37-0; House 114-0