

1 A bill to be entitled
 2 An act relating to searches and seizures; creating the
 3 "Freedom from Unwarranted Surveillance Act"; defining
 4 the terms "drone" and "law enforcement agency";
 5 prohibiting a law enforcement agency from using a
 6 drone to gather evidence or other information;
 7 providing an exception; authorizing an aggrieved party
 8 to initiate a civil action in order to prevent or
 9 remedy a violation of the act; prohibiting use of
 10 evidence obtained or collected in violation of the act
 11 in any criminal prosecution in any court of law in
 12 this state; providing an effective date.

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

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 16 Section 1. Searches and seizure using a drone.-

17 (1) SHORT TITLE.-This act may be cited as the "Freedom
 18 from Unwarranted Surveillance Act."

19 (2) DEFINITIONS.-As used in this act, the term:

20 (a) "Drone" means a powered, aerial vehicle that:

- 21 1. Does not carry a human operator;
- 22 2. Uses aerodynamic forces to provide vehicle lift;
- 23 3. Can fly autonomously or be piloted remotely;
- 24 4. Can be expendable or recoverable; and
- 25 5. Can carry a lethal or nonlethal payload.

26 (b) "Law enforcement agency" means a lawfully established
 27 state or local public agency that is responsible for the
 28 prevention and detection of crime and the enforcement of penal,

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29 traffic, regulatory, game, or controlled substance laws.

30 (3) PROHIBITED USE OF DRONES.—A law enforcement agency may
31 not use a drone to gather evidence or other information.

32 (4) EXCEPTIONS.—This act does not prohibit the use of a
33 drone to counter a high risk of a terrorist attack by a specific
34 individual or organization if the United States Secretary of
35 Homeland Security determines that credible intelligence
36 indicates that there is such a risk.

37 (5) REMEDIES FOR VIOLATION.—An aggrieved party may
38 initiate a civil action against a law enforcement agency to
39 obtain all appropriate relief in order to prevent or remedy a
40 violation of this act.

41 (6) PROHIBITION ON USE OF EVIDENCE.—Evidence obtained or
42 collected in violation of this act is not admissible as evidence
43 in a criminal prosecution in any court of law in this state.

44 Section 2. This act shall take effect July 1, 2013.