

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 exceptions; authorizing an aggrieved party  
8 to initiate a civil action in order to prevent or  
9 remedy a violation of the act; prohibiting a law  
10 enforcement agency from using in any court of law in  
11 this state evidence obtained or collected in violation  
12 of the act; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
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, local government code

29 enforcement, and the enforcement of penal, traffic, regulatory,  
 30 game, or controlled substance laws.

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

33 (4) EXCEPTIONS.—This act does not prohibit the use of a  
 34 drone:

35 (a) To counter a high risk of a terrorist attack by a  
 36 specific individual or organization if the United States  
 37 Secretary of Homeland Security determines that credible  
 38 intelligence indicates that there is such a risk.

39 (b) If the law enforcement agency first obtains a search  
 40 warrant signed by a judge authorizing the use of a drone.

41 (c) If the law enforcement agency possesses reasonable  
 42 suspicion that, under particular circumstances, swift action is  
 43 needed to prevent imminent danger to life or serious damage to  
 44 property, to forestall the imminent escape of a suspect or the  
 45 destruction of evidence, or to achieve other such purposes,  
 46 including, but not limited to, facilitating the search for a  
 47 missing person.

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

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

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