

By the Committee on Criminal Justice; and Senators Negron,  
Brandes, and Evers

591-00646-13

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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.

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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 from  
18 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,

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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, or to forestall the imminent escape of a suspect or  
45 the destruction of evidence.

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

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

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