

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
 2 Representative Metz offered the following:

**Amendment (with title amendment)**

Remove lines 53-100 and insert:

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 5  
 6 real property or of the owner, tenant, occupant, invitee, or  
 7 licensee of such property with the intent to conduct  
 8 surveillance on the individual or property captured in the image  
 9 in violation of such person's reasonable expectation of privacy  
 10 without his or her written consent. For purposes of this  
 11 section, a person is presumed to have a reasonable expectation  
 12 of privacy on his or her privately owned or occupied real  
 13 property if he or she is not observable by persons located at  
 14 ground level in a place where they have a legal right to be,  
 15 regardless of whether he or she is observable from the air with  
 16 the use of a drone. This paragraph is not intended to limit or

Amendment No. 1

17 restrict the application of federal law to the use of drones for  
18 surveillance purposes.

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

21 (a) To counter a high risk of a terrorist attack by a  
22 specific individual or organization if the United States  
23 Secretary of Homeland Security determines that credible  
24 intelligence indicates that there is such a risk.

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

27 (c) If the law enforcement agency possesses reasonable  
28 suspicion that, under particular circumstances, swift action is  
29 needed to prevent imminent danger to life or serious damage to  
30 property, to forestall the imminent escape of a suspect or the  
31 destruction of evidence, or to achieve purposes including, but  
32 not limited to, facilitating the search for a missing person.

33 (d) By a person or entity engaged in a business or  
34 profession licensed by the state, or by an agent, employee, or  
35 contractor thereof, if the drone is used only to perform  
36 reasonable tasks within the scope of practice or activities  
37 permitted under such person's or entity's license.

38 (e) By an employee or contractor of a property appraiser  
39 who uses a drone solely for the purpose of assessing property  
40 for ad valorem taxation.

41 (5) REMEDIES FOR VIOLATION.—

42 (a) An aggrieved party may initiate a civil action against

Amendment No. 1

43 a law enforcement agency to obtain all appropriate relief in  
44 order to prevent or remedy a violation of this act.

45 (b) The owner, tenant, occupant, invitee, or licensee of  
46 privately owned or occupied real property may initiate a civil  
47 action for compensatory damages for violations of this section  
48 and may seek injunctive relief to prevent future violations of  
49 this section against a person, state agency, or political  
50 subdivision that violates paragraph (3) (b). In such action, the  
51 prevailing party is entitled to recover reasonable attorney fees  
52 from the nonprevailing party based on the actual and reasonable  
53 time expended by his or her attorney billed at an appropriate  
54 hourly rate and, in cases in which the payment of such a fee is  
55 contingent on the outcome, without a multiplier, unless the  
56 action is tried to verdict, in which case a multiplier of up to  
57 twice the actual value of the time expended may be awarded in  
58 the discretion of the trial court.

59 (c) Punitive damages for a violation of paragraph (3) (b)  
60 may be sought against a person subject to other requirements and  
61 limitations of law, including, but not limited to, part II of  
62 chapter 768 and case law.

63 (d) The remedies provided for a violation of paragraph  
64 (3) (b) are cumulative

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66 -----

67 **T I T L E A M E N D M E N T**

68 Remove lines 6-13 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 649 (2015)

Amendment No. 1

69 occupied real property or of the owner, tenant, occupant,  
70 invitee, or licensee of such property with the intent to conduct  
71 surveillance without his or her written consent if a reasonable  
72 expectation of privacy exists; specifying when a reasonable  
73 expectation of privacy may be presumed; authorizing the use of a  
74 drone by a person or entity engaged in a business or profession  
75 licensed by the state in certain circumstances; authorizing the  
76 use of a drone by an employee or contractor of a property  
77 appraiser for the purpose of assessing property for ad valorem  
78 taxation; providing that an owner, tenant, occupant, invitee, or  
79 licensee may initiate a civil action for compensatory damages  
80 and may seek injunctive relief against a person, a state agency,  
81 or a political subdivision that violates the act; providing for  
82 construction;