

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WITHDRAWN	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: Judiciary Committee  
 2 Representative Metz offered the following:

**Amendment (with title amendment)**

5 Remove lines 54-106 and insert:  
 6 game, or controlled substance laws.

7 (e) "Surveillance" means:

8 1. With respect to an owner, tenant, occupant, invitee, or  
 9 licensee of privately owned real property, to observe, with  
 10 visual clarity that is sufficient to be able to obtain  
 11 information about, the identity, habits, conduct, movements, or  
 12 whereabouts of such person or persons; or

13 2. With respect to privately owned real property, to  
 14 observe, with visual clarity that is sufficient to be able to  
 15 obtain information about, the property's physical improvements,  
 16 unique identifying features, or occupancy by one or more  
 17 persons.

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18 (3) PROHIBITED USE OF DRONES.—

19 (a) A law enforcement agency may not use a drone to gather  
20 evidence or other information.

21 (b) A person, a state agency, or a political subdivision  
22 as defined in s. 11.45 may not use a drone equipped with an  
23 imaging device to record an image of privately owned real  
24 property or of the owner, tenant, occupant, invitee, or licensee  
25 of such property with the intent to conduct surveillance on the  
26 individual or property captured in the image in violation of  
27 such person's reasonable expectation of privacy without his or  
28 her written consent. For purposes of this section, a person is  
29 presumed to have a reasonable expectation of privacy on his or  
30 her privately owned real property if he or she is not observable  
31 by persons located at ground level in a place where they have a  
32 legal right to be, regardless of whether he or she is observable  
33 from the air with the use of a drone. This paragraph is not  
34 intended to limit or restrict the application of federal law to  
35 the use of drones.

36 (4) EXCEPTIONS.—This section ~~ææ~~ does not prohibit the use  
37 of a drone:

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

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

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

50 (d) By a person or an entity engaged in a business or  
51 profession licensed by the state, or by an agent, employee, or  
52 contractor thereof, if the drone is used only to perform  
53 reasonable tasks within the scope of practice or activities  
54 permitted under such person's or entity's license. However, this  
55 exception does not apply to a profession in which the licensee's  
56 authorized scope of practice includes obtaining information  
57 about the identity, habits, conduct, movements, whereabouts,  
58 affiliations, associations, transactions, reputation, or  
59 character of any society, person, or group of persons.

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

63 (f) To capture images by or for an electric, water, or  
64 natural gas utility:

65 1. For operations and maintenance of utility facilities,  
66 including facilities used in the generation, transmission, or  
67 distribution of electricity, gas, or water, for the purpose of  
68 maintaining utility system reliability and integrity;

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69 2. For inspecting utility facilities, including pipelines,  
70 to determine construction, repair, maintenance, or replacement  
71 needs before, during, and after construction of such facilities;

72 3. For assessing vegetation growth for the purpose of  
73 maintaining clearances on utility rights-of-way;

74 4. For utility routing, siting, and permitting for the  
75 purpose of constructing utility facilities or providing utility  
76 service; or

77 5. For conducting environmental monitoring, as provided by  
78 federal, state, or local law, rule, or permit.

79 (5) REMEDIES FOR VIOLATION.—

80 (a) An aggrieved party may initiate a civil action against  
81 a law enforcement agency to obtain all appropriate relief in  
82 order to prevent or remedy a violation of this section ~~act~~.

83 (b) The owner, tenant, occupant, invitee, or licensee of  
84 privately owned real property may initiate a civil

85

86

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

88 Remove lines 5-17 and insert:

89 drone to capture an image of privately owned real property or of  
90 the owner, tenant, occupant, invitee, or licensee of such  
91 property with the intent to conduct surveillance without his or  
92 her written consent if a reasonable expectation of privacy  
93 exists; specifying when a reasonable expectation of privacy may  
94 be presumed; authorizing the use of a drone by a person or an

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95 | entity engaged in a business or profession licensed by the state  
96 | in certain circumstances; providing an exception; authorizing  
97 | the use of a drone by an employee or a contractor of a property  
98 | appraiser for the purpose of assessing property for ad valorem  
99 | taxation; authorizing the use of a drone by certain utilities  
100 | for specified purposes; providing that the  
101 |