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LEGISLATIVE ACTION

Senate

.

House

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Floor: WD/2R

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05/03/2017 10:05 AM

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Senator Young moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 330.41, Florida Statutes, is created to
read:

330.41 Unmanned Aircraft Systems Act.-

(1) SHORT TITLE.-This section may be cited as the "Unmanned
Aircraft Systems Act."

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

(a) "Critical infrastructure facility" means any of the



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12 following, if completely enclosed by a fence or other physical
13 barrier that is obviously designed to exclude intruders, or if
14 clearly marked with a sign or signs that indicate that entry is
15 forbidden and that are posted on the property in a manner
16 reasonably likely to come to the attention of intruders:

17 1. An electrical power generation or transmission facility,
18 substation, switching station, or control center.

19 2. A natural gas or compressed gas compressor station,
20 storage facility, or pipeline.

21 3. A liquid natural gas or propane gas terminal or storage
22 facility.

23 4. Any portion of an aboveground oil or gas pipeline.

24 5. A wireless communications facility, including towers,
25 antennas, support structures, and all associated ground-based
26 equipment.

27 6. A chemical or rubber manufacturing or storage facility.

28 7. A mining facility.

29 (b) "Person" means an individual, partnership, corporation,
30 association, governmental entity, or other legal entity.

31 (c) "Unmanned aircraft" means a drone as defined in s.
32 934.50(2).

33 (d) "Unmanned aircraft system" means an unmanned aircraft
34 and associated elements, including communication links and the
35 components used to control the unmanned aircraft which are
36 required for the pilot in command to operate the unmanned
37 aircraft safely and efficiently.

38 (3) REGULATION.—

39 (a) The authority to regulate the ownership or operation of
40 unmanned aircraft systems is vested in the state.



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41 (b) Except as otherwise expressly provided in this section,
42 a political subdivision may not enact or enforce an ordinance or
43 resolution relating to the design, manufacture, testing,
44 maintenance, licensing, registration, certification, or
45 operation of an unmanned aircraft system, including airspace,
46 altitude, flight paths, and equipment or technology
47 requirements; purpose of operations; and pilot, operator, or
48 observer qualifications, training, and certification.

49 (c) This section does not limit local government authority
50 to enact or enforce local ordinances relating to nuisances,
51 voyeurism, harassment, reckless endangerment, property damage,
52 or other illegal acts arising from the use of unmanned aircraft
53 systems if such ordinances are not specifically related to the
54 use of an unmanned aircraft system for those illegal acts.

55 (d) This section shall be construed in accordance with
56 standards described by federal statutes and regulations and
57 Federal Aviation Administration guidance on unmanned aircraft
58 systems.

59 (4) PROTECTION OF INFRASTRUCTURE AND FACILITIES.—

60 (a) A person seeking to restrict or limit the operation of
61 unmanned aircraft in close proximity to the infrastructure or
62 facilities that the person owns or operates must apply to the
63 Federal Aviation Administration for such designation pursuant to
64 s. 2209 of the FAA Extension, Safety, and Security Act of 2016.

65 (b) Notwithstanding paragraph (a), a person may not
66 knowingly or willfully:

67 1. Operate an unmanned aircraft over a critical
68 infrastructure facility;

69 2. Allow an unmanned aircraft to make contact with a



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70 critical infrastructure facility, including any person or object
71 on the premises of or within the facility; or

72 3. Allow an unmanned aircraft to come within a distance of
73 a critical infrastructure facility which is close enough to
74 interfere with the operations of or cause a disturbance to the
75 facility.

76
77 A person who violates this paragraph commits a misdemeanor of
78 the second degree, punishable as provided in s. 775.082 or s.
79 775.083. A person who commits a second or subsequent violation
80 commits a misdemeanor of the first degree, punishable as
81 provided in s. 775.082 or s. 775.083.

82 (c) This section does not apply to actions described in
83 paragraph (b) which are committed by:

84 1. A federal, state, or other governmental entity or a
85 person under contract with or otherwise acting under the
86 direction of such entity.

87 2. A law enforcement agency that is in compliance with s.
88 934.50 or a person under contract with or otherwise acting under
89 the direction of such law enforcement agency.

90 3. An owner, operator, or occupant of the critical
91 infrastructure facility or a person who has prior written
92 consent of such owner, operator, or occupant.

93 (d) Subparagraph (b)1. does not apply to an unmanned
94 aircraft operating in transit for commercial purposes in
95 compliance with Federal Aviation Administration regulations,
96 authorizations, or exemptions.

97 Section 2. Section 330.411, Florida Statutes, is created to
98 read:



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99 330.411 Prohibited possession or operation of unmanned
100 aircraft; penalties.—A person may not possess or operate an
101 unmanned aircraft or unmanned aircraft system as defined in s.
102 330.41 with an attached weapon, firearm, explosive, destructive
103 device, or ammunition as defined in s. 790.001. Notwithstanding
104 s. 330.33, a person who violates this section commits a
105 misdemeanor of the first degree, punishable as provided in s.
106 775.082 or s. 775.083.

107 Section 3. Paragraph (j) is added to subsection (4) of
108 section 934.50, Florida Statutes, to read:

109 934.50 Searches and seizure using a drone.—

110 (4) EXCEPTIONS.—This section does not prohibit the use of a
111 drone:

112 (j) By a communications services provider or its contractor
113 for routing, siting, installation, maintenance, or inspection of
114 facilities used to provide communications services.

115 Section 4. This act shall take effect July 1, 2017.

117 ===== T I T L E A M E N D M E N T =====

118 And the title is amended as follows:

119 Delete everything before the enacting clause
120 and insert:

121 A bill to be entitled
122 An act relating to unmanned aircraft; creating s.
123 330.41, F.S.; providing a short title; providing
124 definitions; providing that the authority to regulate
125 the ownership or operation of unmanned aircraft
126 systems is vested in the state; prohibiting a
127 political subdivision from enacting or enforcing



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128 certain ordinances or resolutions relating to unmanned
129 aircraft systems; providing construction; requiring
130 persons seeking to restrict or limit the operation of
131 unmanned aircraft in close proximity to certain
132 infrastructure or facilities to apply to the Federal
133 Aviation Administration; prohibiting certain
134 operations of an unmanned aircraft in relation to
135 certain critical infrastructure facilities; providing
136 penalties; providing exceptions; creating s. 330.411,
137 F.S.; prohibiting possession or operation of an
138 unmanned aircraft or unmanned aircraft system with
139 certain attached weapons or devices; providing
140 penalties; amending s. 934.50, F.S.; exempting a
141 communications services provider and its contractor
142 from certain prohibitions against the use of a drone;
143 providing an effective date.