

By Senator Young

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1                   A bill to be entitled  
2           An act relating to drones; creating s. 330.41, F.S.;  
3           providing a short title; defining terms; providing  
4           that the authority to regulate the ownership or  
5           operation of unmanned aircraft systems is vested in  
6           the state; prohibiting a political subdivision from  
7           enacting or enforcing certain ordinances or  
8           resolutions relating to unmanned aircraft systems;  
9           providing that this act does not limit local  
10          government authority to enact or enforce local  
11          ordinances relating to nuisances, voyeurism,  
12          harassment, reckless endangerment, property damage, or  
13          other illegal acts arising from the use of unmanned  
14          aircraft systems, subject to certain requirements;  
15          providing construction; requiring persons seeking to  
16          restrict or limit the operation of drones in close  
17          proximity to certain infrastructure or facilities to  
18          apply to the Federal Aviation Administration;  
19          prohibiting a person from knowingly and willfully  
20          operating a drone over or allowing a drone to make  
21          contact with or come within a certain distance of  
22          certain critical infrastructure facilities; providing  
23          that such a violation is a misdemeanor punishable  
24          under specified provisions of ch. 775; providing an  
25          exemption from specified prohibited acts; amending s.  
26          934.50, F.S.; providing that the use of a drone by a  
27          communications service provider or contractor is not  
28          prohibited under certain provisions of ch. 934;  
29          providing an effective date.

30  
31   Be It Enacted by the Legislature of the State of Florida:  
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33 Section 1. Section 330.41, Florida Statutes, is created to  
34 read:

35 330.41 Unmanned Aircraft Systems Act.-

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

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

39 (a) "Critical infrastructure facility" means any of the  
40 following, if completely enclosed by a fence or other physical  
41 barrier that is obviously designed to exclude intruders, or if  
42 clearly marked with a sign or signs which indicate that entry is  
43 forbidden and which are posted on the property in a manner  
44 reasonably likely to come to the attention of intruders:

45 1. An electrical power generation or transmission facility,  
46 substation, switching station, or electrical control center.

47 2. A natural gas compressor station, storage facility, or  
48 natural gas pipeline.

49 3. A liquid natural gas terminal or storage facility.

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

51 5. A wireless communications facility, including tower,  
52 antennae, support structures, and all associated ground-based  
53 equipment.

54 (b) "Drone" has the same meaning as s. 934.50(2).

55 (c) "Person" means an individual, a partnership, a  
56 corporation, an association, a governmental entity, or other  
57 legal entity.

58 (d) "Unmanned aircraft system" means a drone and its  
59 associated elements, including communication links and the  
60 components used to control the drone which are required for the  
61 pilot in command to operate the drone safely and efficiently.

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62 (3) REGULATION.—

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

65 (b) Except as otherwise expressly provided, a political  
66 subdivision may not enact or enforce an ordinance or resolution  
67 relating to the design, manufacture, testing, maintenance,  
68 licensing, registration, certification, or operation of an  
69 unmanned aircraft system, including airspace, altitude, flight  
70 paths, equipment or technology requirements; the purpose of  
71 operations; and pilot, operator, or observer qualifications,  
72 training, and certification.

73 (c) This section does not limit local government authority  
74 to enact or enforce local ordinances relating to nuisances,  
75 voyeurism, harassment, reckless endangerment, property damage,  
76 or other illegal acts arising from the use of unmanned aircraft  
77 systems if such laws or ordinances are not specifically related  
78 to the use of an unmanned aircraft system for those illegal  
79 acts.

80 (d) This section shall be construed in accordance with  
81 standards described by federal statutes, regulations, and  
82 Federal Aviation Administration guidance on unmanned aircraft  
83 systems.

84 (4) PROTECTION OF INFRASTRUCTURE AND FACILITIES.—

85 (a) A person seeking to restrict or limit the operation of  
86 drones in close proximity to infrastructure or facilities the  
87 person owns or operates must apply to the Federal Aviation  
88 Administration for such designation pursuant to section 2209 of  
89 the FAA Extension, Safety, and Security Act of 2016.

90 (b) Notwithstanding paragraph (a), a person may not

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91 knowingly or willfully:

92 1. Operate a drone over a critical infrastructure facility;

93 2. Allow a drone to make contact with a critical  
94 infrastructure facility, including any person or object on the  
95 premises of or within the facility; or

96 3. Allow a drone to come within a distance of a critical  
97 infrastructure facility that is close enough to interfere with  
98 the operations of or cause a disturbance to the facility.

99

100 A person who violates this paragraph commits a misdemeanor of  
101 the second degree, punishable as provided in s. 775.082 or s.  
102 775.083. A person who commits a second or subsequent violation  
103 commits a misdemeanor of the first degree, punishable as  
104 provided in s. 775.082 or s. 775.083.

105 (c) This section does not apply to actions described in  
106 paragraph (b) that are committed by:

107 1. A federal, state, or other governmental entity, or a  
108 person under contract or otherwise acting under the direction of  
109 a federal, state, or other governmental entity.

110 2. A law enforcement agency that is in compliance with s.  
111 934.50, or a person under contract with or otherwise acting  
112 under the direction of such law enforcement agency.

113 3. An owner, operator, or occupant of the critical  
114 infrastructure facility, or a person who has prior written  
115 consent of such owner, operator, or occupant.

116 Section 2. Paragraph (j) is added to subsection (4) of  
117 section 934.50, Florida Statutes, to read:

118 934.50 Searches and seizure using a drone.—

119 (4) EXCEPTIONS.—This section does not prohibit the use of a

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120 drone:

121 (j) By a communications service provider or a contractor  
122 for a communications service provider for routing, siting,  
123 installation, maintenance, or inspection of facilities used to  
124 provide communications services.

125 Section 3. This act shall take effect July 1, 2017.