

By the Committees on Rules; and Criminal Justice; and Senator Young

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1                                   A bill to be entitled  
2           An act relating to unmanned devices; amending s.  
3           316.003, F.S.; revising and providing definitions;  
4           amending s. 316.008, F.S.; authorizing operation of  
5           personal delivery devices within a county or  
6           municipality under certain circumstances; providing  
7           construction; providing exceptions; creating s.  
8           316.2071, F.S.; providing requirements for the  
9           operation of personal delivery devices; requiring  
10          specified insurance coverage; amending s. 320.01,  
11          F.S.; redefining the term "motor vehicle"; amending s.  
12          320.02, F.S.; exempting personal delivery devices from  
13          certain registration and insurance requirements;  
14          amending ss. 324.021, and 324.022, F.S.; redefining  
15          the term "motor vehicle"; creating s. 330.41, F.S.;  
16          providing a short title; defining terms; providing  
17          that, except as provided in federal regulations,  
18          authorizations, or exemptions, the authority to  
19          regulate the operation of unmanned aircraft systems is  
20          vested in the state; prohibiting a political  
21          subdivision from enacting or enforcing certain  
22          ordinances or resolutions relating to unmanned  
23          aircraft systems; providing that the authority of  
24          local government to enact or enforce local ordinances  
25          relating to nuisances, voyeurism, harassment, reckless  
26          endangerment, property damage, or other illegal acts  
27          arising from the use of unmanned aircraft systems is  
28          not limited, subject to certain requirements;  
29          requiring persons seeking to restrict or limit the

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30 operation of drones in close proximity to certain  
31 infrastructure or facilities to apply to the Federal  
32 Aviation Administration; prohibiting a person from  
33 knowingly and willfully operating a drone over or  
34 allowing a drone to make contact with or come within a  
35 certain distance of certain critical infrastructure  
36 facilities; providing that such a violation is a  
37 misdemeanor punishable under specified provisions of  
38 ch. 775, F.S.; providing an exemption from specified  
39 prohibited acts; providing for future sunset of a  
40 certain requirement; providing construction; creating  
41 s. 330.411, F.S.; prohibiting a person from possessing  
42 or operating an unmanned aircraft or unmanned aircraft  
43 system with certain attached weapons or devices;  
44 amending s. 934.50, F.S.; providing that the use of a  
45 drone by a communications service provider or  
46 contractor is not prohibited under certain provisions  
47 of ch. 934, F.S.; amending ss. 316.2128, 316.545,  
48 316.613, and 655.960, F.S.; conforming cross-  
49 references; providing an effective date.

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Present subsections (51) through (97) of section  
54 316.003, Florida Statutes, are renumbered as subsections (53)  
55 through (99), respectively, present subsections (40), (55), and  
56 (95) are amended, and new subsections (51) and (52) are added to  
57 that section, to read:

58 316.003 Definitions.—The following words and phrases, when

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59 used in this chapter, shall have the meanings respectively  
60 ascribed to them in this section, except where the context  
61 otherwise requires:

62 (40) MOTOR VEHICLE.—Except when used in s. 316.1001, a  
63 self-propelled vehicle not operated upon rails or guideway, but  
64 not including any bicycle, motorized scooter, electric personal  
65 assistive mobility device, personal delivery device, swamp  
66 buggy, or moped. For purposes of s. 316.1001, “motor vehicle”  
67 has the same meaning as provided in s. 320.01(1)(a).

68 (51) PERSONAL DELIVERY DEVICE.—An electrically powered  
69 device that:

70 (a) Is operated on sidewalks and crosswalks and intended  
71 primarily for transporting property;

72 (b) Weighs less than 80 pounds, excluding cargo;

73 (c) Has a maximum speed of 10 miles per hour; and

74 (d) Is equipped with technology to allow for operation of  
75 the device with or without the active control or monitoring of a  
76 natural person.

77  
78 A personal delivery device is not considered a vehicle unless  
79 expressly defined by law as a vehicle.

80 (52) PERSONAL DELIVERY DEVICE OPERATOR.—An entity or its  
81 agent that exercises direct physical control over or monitoring  
82 of the navigation system and operation of a personal delivery  
83 device. For the purposes of this subsection, the term “agent”  
84 means a person charged by the entity with the responsibility of  
85 navigating and operating the personal delivery device. The term  
86 “personal delivery device operator” does not include an entity  
87 or person who requests the services of a personal delivery

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88 device for the purpose of transporting property or an entity or  
89 person who only arranges for and dispatches the requested  
90 services of a personal delivery device.

91 (57)~~(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
92 provided in paragraph (79) (b) ~~(77) (b)~~, any privately owned way  
93 or place used for vehicular travel by the owner and those having  
94 express or implied permission from the owner, but not by other  
95 persons.

96 (97)~~(95)~~ VEHICLE.—Every device in, upon, or by which any  
97 person or property is or may be transported or drawn upon a  
98 highway, except personal delivery devices and devices used  
99 exclusively upon stationary rails or tracks.

100 Section 2. Subsection (7) of section 316.008, Florida  
101 Statutes, is amended to read:

102 316.008 Powers of local authorities.—

103 (7) (a) A county or municipality may enact an ordinance to  
104 permit, control, or regulate the operation of vehicles, golf  
105 carts, mopeds, motorized scooters, and electric personal  
106 assistive mobility devices on sidewalks or sidewalk areas when  
107 such use is permissible under federal law. The ordinance must  
108 restrict such vehicles or devices to a maximum speed of 15 miles  
109 per hour in such areas.

110 (b)1. Except as provided in subparagraph 2., a personal  
111 delivery device may be operated on sidewalks and crosswalks  
112 within a county or municipality when such use is permissible  
113 under federal law. This paragraph does not restrict a county or  
114 municipality from otherwise adopting regulations for the safe  
115 operation of personal delivery devices.

116 2. A personal delivery device may not be operated on the

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117 Florida Shared-Use Nonmotorized Trail Network created under s.  
118 339.81 or components of the Florida Greenways and Trails System  
119 created under chapter 260.

120 Section 3. Section 316.2071, Florida Statutes, is created  
121 to read:

122 316.2071 Personal delivery devices.—

123 (1) Notwithstanding any provision of law to the contrary, a  
124 personal delivery device may operate on sidewalks and  
125 crosswalks, subject to s. 316.008(7)(b). A personal delivery  
126 device operating on a sidewalk or crosswalk has all the rights  
127 and duties applicable to a pedestrian under the same  
128 circumstances, except that the personal delivery device must not  
129 unreasonably interfere with pedestrians or traffic and must  
130 yield the right-of-way to pedestrians on the sidewalk or  
131 crosswalk.

132 (2) A personal delivery device must:

133 (a) Obey all official traffic and pedestrian control  
134 signals and devices.

135 (b) Include a plate or marker that has a unique identifying  
136 device number and identifies the name and contact information of  
137 the personal delivery device operator.

138 (c) Be equipped with a braking system that, when active or  
139 engaged, enables the personal delivery device to come to a  
140 controlled stop.

141 (3) A personal delivery device may not:

142 (a) Operate on a public highway except to the extent  
143 necessary to cross a crosswalk.

144 (b) Operate on a sidewalk or crosswalk unless the personal  
145 delivery device operator is actively controlling or monitoring

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146 the navigation and operation of the personal delivery device.

147 (c) Transport hazardous materials as defined in s. 316.003.

148 (4) A person who owns and operates a personal delivery  
149 device in this state must maintain an insurance policy, on  
150 behalf of himself or herself and his or her agents, which  
151 provides general liability coverage of at least \$100,000 for  
152 damages arising from the combined operations of personal  
153 delivery devices under the entity's or agent's control.

154 Section 4. Paragraph (a) of subsection (1) of section  
155 320.01, Florida Statutes, is amended to read:

156 320.01 Definitions, general.—As used in the Florida  
157 Statutes, except as otherwise provided, the term:

158 (1) "Motor vehicle" means:

159 (a) An automobile, motorcycle, truck, trailer, semitrailer,  
160 truck tractor and semitrailer combination, or any other vehicle  
161 operated on the roads of this state, used to transport persons  
162 or property, and propelled by power other than muscular power,  
163 but the term does not include traction engines, road rollers,  
164 personal delivery devices as defined in s. 316.003, special  
165 mobile equipment as defined in s. 316.003, vehicles that run  
166 only upon a track, bicycles, swamp buggies, or mopeds.

167 Section 5. Subsection (19) is added to section 320.02,  
168 Florida Statutes, to read:

169 320.02 Registration required; application for registration;  
170 forms.—

171 (19) A personal delivery device as defined in s. 316.003 is  
172 not required to satisfy the registration and insurance  
173 requirements of this section.

174 Section 6. Subsection (1) of section 324.021, Florida

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175 Statutes, is amended to read:

176 324.021 Definitions; minimum insurance required.—The  
177 following words and phrases when used in this chapter shall, for  
178 the purpose of this chapter, have the meanings respectively  
179 ascribed to them in this section, except in those instances  
180 where the context clearly indicates a different meaning:

181 (1) MOTOR VEHICLE.—Every self-propelled vehicle that ~~which~~  
182 is designed and required to be licensed for use upon a highway,  
183 including trailers and semitrailers designed for use with such  
184 vehicles, except traction engines, road rollers, farm tractors,  
185 power shovels, and well drillers, and every vehicle that ~~which~~  
186 is propelled by electric power obtained from overhead wires but  
187 not operated upon rails, but not including any personal delivery  
188 device as defined in s. 316.003, bicycle, or moped. However, the  
189 term "motor vehicle" does ~~shall~~ not include a any motor vehicle  
190 as defined in s. 627.732(3) when the owner of such vehicle has  
191 complied with the requirements of ss. 627.730-627.7405,  
192 inclusive, unless the provisions of s. 324.051 apply; and, in  
193 such case, the applicable proof of insurance provisions of s.  
194 320.02 apply.

195 Section 7. Paragraph (a) of subsection (2) of section  
196 324.022, Florida Statutes, is amended to read:

197 324.022 Financial responsibility for property damage.—

198 (2) As used in this section, the term:

199 (a) "Motor vehicle" means any self-propelled vehicle that  
200 has four or more wheels and that is of a type designed and  
201 required to be licensed for use on the highways of this state,  
202 and any trailer or semitrailer designed for use with such  
203 vehicle. The term does not include:

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- 204           1. A mobile home.
- 205           2. A motor vehicle that is used in mass transit and
- 206 designed to transport more than five passengers, exclusive of
- 207 the operator of the motor vehicle, and that is owned by a
- 208 municipality, transit authority, or political subdivision of the
- 209 state.
- 210           3. A school bus as defined in s. 1006.25.
- 211           4. A vehicle providing for-hire transportation that is
- 212 subject to the provisions of s. 324.031. A taxicab shall
- 213 maintain security as required under s. 324.032(1).
- 214           5. A personal delivery device as defined in s. 316.003.
- 215           Section 8. Section 330.41, Florida Statutes, is created to
- 216 read:
- 217           330.41 Unmanned Aircraft Systems Act.-
- 218           (1) SHORT TITLE.-This act may be cited as the "Unmanned
- 219 Aircraft Systems Act."
- 220           (2) DEFINITIONS.-As used in this act, the term:
- 221           (a) "Critical infrastructure facility" means any of the
- 222 following, if completely enclosed by a fence or other physical
- 223 barrier that is obviously designed to exclude intruders, or if
- 224 clearly marked with a sign or signs which indicate that entry is
- 225 forbidden and which are posted on the property in a manner
- 226 reasonably likely to come to the attention of intruders:
- 227           1. An electrical power generation or transmission facility,
- 228 substation, switching station, or electrical control center.
- 229           2. A chemical or rubber manufacturing or storage facility.
- 230           3. A mining facility.
- 231           4. A natural gas or compressed gas compressor station,
- 232 storage facility, or natural gas or compressed gas pipeline.



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233 5. A liquid natural gas or propane gas terminal or storage  
234 facility with a capacity of 4,000 gallons or more.

235 6. Any portion of an aboveground oil or gas pipeline.

236 7. A wireless communications facility, including the tower,  
237 antennae, support structures, and all associated ground-based  
238 equipment.

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

240 (c) "Unmanned aircraft system" means a drone and its  
241 associated elements, including communication links and the  
242 components used to control the drone which are required for the  
243 pilot in command to operate the drone safely and efficiently.

244 (3) REGULATION.—

245 (a) The authority to regulate the operation of unmanned  
246 aircraft systems is vested in the state except as provided in  
247 federal regulations, authorizations, or exemptions.

248 (b) Except as otherwise expressly provided, a political  
249 subdivision may not enact or enforce an ordinance or resolution  
250 relating to the design, manufacture, testing, maintenance,  
251 licensing, registration, certification, or operation of an  
252 unmanned aircraft system, including airspace, altitude, flight  
253 paths, equipment or technology requirements; the purpose of  
254 operations; and pilot, operator, or observer qualifications,  
255 training, and certification.

256 (c) This subsection does not limit the authority of a local  
257 government to enact or enforce local ordinances relating to  
258 nuisances, voyeurism, harassment, reckless endangerment,  
259 property damage, or other illegal acts arising from the use of  
260 unmanned aircraft systems if such laws or ordinances are not  
261 specifically related to the use of an unmanned aircraft system

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262 for those illegal acts.

263 (d) A person or governmental entity seeking to restrict or  
264 limit the operation of drones in close proximity to  
265 infrastructure or facilities that the person or governmental  
266 entity owns or operates must apply to the Federal Aviation  
267 Administration for such designation pursuant to section 2209 of  
268 the FAA Extension, Safety, and Security Act of 2016.

269 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.-

270 (a) A person may not knowingly or willfully:

271 1. Operate a drone over a critical infrastructure facility;  
272 2. Allow a drone to make contact with a critical  
273 infrastructure facility, including any person or object on the  
274 premises of or within the facility; or

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

278 (b) A person who violates paragraph (a) commits a  
279 misdemeanor of the second degree, punishable as provided in s.  
280 775.082 or s. 775.083. A person who commits a second or  
281 subsequent violation commits a misdemeanor of the first degree,  
282 punishable as provided in s. 775.082 or s. 775.083.

283 (c) This subsection does not apply to actions identified in  
284 paragraph (a) which are committed by:

285 1. A federal, state, or other governmental entity, or a  
286 person under contract or otherwise acting under the direction of  
287 a federal, state, or other governmental entity.

288 2. A law enforcement agency that is in compliance with s.  
289 934.50, or a person under contract with or otherwise acting  
290 under the direction of such law enforcement agency.

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291 3. An owner, operator, or occupant of the critical  
292 infrastructure facility, or a person who has prior written  
293 consent of such owner, operator, or occupant.

294 (d) Subparagraph (a)1. does not apply to a drone operating  
295 in transit for commercial purposes in compliance with Federal  
296 Aviation Administration regulations, authorizations, or  
297 exemptions.

298 (e) This subsection shall sunset 60 days after the date  
299 that a process pursuant to Section 2209 of the FAA Extension,  
300 Safety and Security Act of 2016 becomes effective.

301 (5) CONSTRUCTION.—This section shall be construed in  
302 accordance with standards imposed by federal statutes,  
303 regulations, and Federal Aviation Administration guidance on  
304 unmanned aircraft systems.

305 Section 9. Section 330.411, Florida Statutes, is created to  
306 read:

307 330.411 Prohibited possession or operation of unmanned  
308 aircraft.—A person may not possess or operate an unmanned  
309 aircraft or unmanned aircraft system as defined in s. 330.41  
310 with an attached weapon, firearm, explosive, destructive device,  
311 or ammunition as defined in s. 790.001.

312 Section 10. Paragraph (j) is added to subsection (4) of  
313 section 934.50, Florida Statutes, to read:

314 934.50 Searches and seizure using a drone.—

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

317 (j) By a communications service provider or a contractor  
318 for a communications service provider for routing, siting,  
319 installation, maintenance, or inspection of facilities used to

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320 provide communications services.

321 Section 11. Subsection (1) of section 316.2128, Florida  
322 Statutes, is amended to read:

323 316.2128 Operation of motorized scooters and miniature  
324 motorcycles; requirements for sales.—

325 (1) A person who engages in the business of, serves in the  
326 capacity of, or acts as a commercial seller of motorized  
327 scooters or miniature motorcycles in this state must prominently  
328 display at his or her place of business a notice that such  
329 vehicles are not legal to operate on public roads, may not be  
330 registered as motor vehicles, and may not be operated on  
331 sidewalks unless authorized by an ordinance enacted pursuant to  
332 s. 316.008(7)(a) ~~316.008(7)~~ or s. 316.212(8). The required  
333 notice must also appear in all forms of advertising offering  
334 motorized scooters or miniature motorcycles for sale. The notice  
335 and a copy of this section must also be provided to a consumer  
336 prior to the consumer's purchasing or becoming obligated to  
337 purchase a motorized scooter or a miniature motorcycle.

338 Section 12. Paragraph (b) of subsection (2) of section  
339 316.545, Florida Statutes, is amended to read:

340 316.545 Weight and load unlawful; special fuel and motor  
341 fuel tax enforcement; inspection; penalty; review.—

342 (2)

343 (b) The officer or inspector shall inspect the license  
344 plate or registration certificate of the commercial vehicle to  
345 determine whether its gross weight is in compliance with the  
346 declared gross vehicle weight. If its gross weight exceeds the  
347 declared weight, the penalty shall be 5 cents per pound on the  
348 difference between such weights. In those cases when the

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349 commercial vehicle is being operated over the highways of the  
350 state with an expired registration or with no registration from  
351 this or any other jurisdiction or is not registered under the  
352 applicable provisions of chapter 320, the penalty herein shall  
353 apply on the basis of 5 cents per pound on that scaled weight  
354 which exceeds 35,000 pounds on laden truck tractor-semitrailer  
355 combinations or tandem trailer truck combinations, 10,000 pounds  
356 on laden straight trucks or straight truck-trailer combinations,  
357 or 10,000 pounds on any unladen commercial motor vehicle. A  
358 driver of a commercial motor vehicle entering the state at a  
359 designated port-of-entry location, as defined in s. 316.003  
360 ~~316.003(54)~~, or operating on designated routes to a port-of-  
361 entry location, who obtains a temporary registration permit  
362 shall be assessed a penalty limited to the difference between  
363 its gross weight and the declared gross vehicle weight at 5  
364 cents per pound. If the license plate or registration has not  
365 been expired for more than 90 days, the penalty imposed under  
366 this paragraph may not exceed \$1,000. In the case of special  
367 mobile equipment, which qualifies for the license tax provided  
368 for in s. 320.08(5)(b), being operated on the highways of the  
369 state with an expired registration or otherwise not properly  
370 registered under the applicable provisions of chapter 320, a  
371 penalty of \$75 shall apply in addition to any other penalty  
372 which may apply in accordance with this chapter. A vehicle found  
373 in violation of this section may be detained until the owner or  
374 operator produces evidence that the vehicle has been properly  
375 registered. Any costs incurred by the retention of the vehicle  
376 shall be the sole responsibility of the owner. A person who has  
377 been assessed a penalty pursuant to this paragraph for failure

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378 to have a valid vehicle registration certificate pursuant to the  
379 provisions of chapter 320 is not subject to the delinquent fee  
380 authorized in s. 320.07 if such person obtains a valid  
381 registration certificate within 10 working days after such  
382 penalty was assessed.

383 Section 13. Paragraph (a) of subsection (2) of section  
384 316.613, Florida Statutes, is amended to read:

385 316.613 Child restraint requirements.—

386 (2) As used in this section, the term "motor vehicle" means  
387 a motor vehicle as defined in s. 316.003 that is operated on the  
388 roadways, streets, and highways of the state. The term does not  
389 include:

390 (a) A school bus as defined in s. 316.003 ~~316.003(68)~~.

391 Section 14. Subsection (1) of section 655.960, Florida  
392 Statutes, is amended to read:

393 655.960 Definitions; ss. 655.960-655.965.—As used in this  
394 section and ss. 655.961-655.965, unless the context otherwise  
395 requires:

396 (1) "Access area" means any paved walkway or sidewalk which  
397 is within 50 feet of any automated teller machine. The term does  
398 not include any street or highway open to the use of the public,  
399 as defined in s. 316.003(79)(a) or (b) ~~316.003(77)(a) or (b)~~,  
400 including any adjacent sidewalk, as defined in s. 316.003.

401 Section 15. This act shall take effect July 1, 2017.