

1 A bill to be entitled
2 An act relating to drones; amending s. 934.50, F.S.;
3 defining the terms "dangerous or deadly weapon" and
4 "large-scale event"; authorizing the use of a drone by
5 a law enforcement agency to prepare for or monitor
6 safety and security at a large-scale event;
7 prohibiting a law enforcement agency using a drone in
8 an authorized manner from equipping it with specified
9 attachments or using it to fire projectiles;
10 reenacting s. 330.41(4), F.S., relating to the
11 Unmanned Aircraft Systems Act, to incorporate the
12 amendments made by the act; providing an effective
13 date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Present paragraphs (a), (b), (c), (d), and (e)
18 of subsection (2) of section 943.50, Florida Statutes, are
19 redesignated as paragraphs (b), (c), (d), (f), and (g),
20 respectively, and new paragraphs (a) and (e) are added to that
21 subsection, paragraph (a) of subsection (3) of that section is
22 amended, present paragraphs (d) through (j) of subsection (4) of
23 that section are redesignated as paragraphs (e) through (k),
24 respectively, and a new paragraph (d) is added to that
25 subsection, to read:

26 | 934.50 Searches and seizure using a drone.—

27 | (2) DEFINITIONS.—As used in this act, the term:

28 | (a) "Dangerous or deadly weapon" means a firearm or other
 29 | weapon, device, instrument, material, or substance, whether
 30 | animate or inanimate, which is used or is intended to be used in
 31 | a manner capable of causing death or serious bodily injury.

32 | (e) "Large-scale event" means a public or private event
 33 | attended by more than 100 persons at a sports or entertainment
 34 | arena, a stadium, a convention hall, a special event center, an
 35 | amusement facility, an outdoor concert venue, a special event
 36 | area licensed or permitted for use under the authority of a unit
 37 | of local government, or an event open to the public that takes
 38 | place on a public way or on government-owned property.

39 | (3) PROHIBITED USE OF DRONES.—

40 | (a) A law enforcement agency may not use a drone to gather
 41 | evidence or other information, except as provided in subsection
 42 | (4).

43 | (4) EXCEPTIONS.—This section does not prohibit the use of
 44 | a drone:

45 | (d) If a law enforcement agency uses a drone to prepare
 46 | for or monitor safety and security at a large-scale event and
 47 | the drone use is limited to legitimate public safety purposes,
 48 | including, but not limited to, evaluating crowd size, density,
 49 | or movement; assessing public safety vulnerabilities or
 50 | weaknesses; determining appropriate staffing levels for law

51 enforcement or other public safety personnel; or identifying
 52 possible criminal activity. If a law enforcement agency is using
 53 a drone under this paragraph, the agency may not fire a
 54 projectile from the drone or equip the drone with tear gas
 55 canisters, stun gun technology, or any other dangerous or deadly
 56 weapon.

57 Section 2. For the purpose of incorporating the amendment
 58 made by this act to section 934.50, Florida Statutes, in a
 59 reference thereto, subsection (4) of section 330.41, Florida
 60 Statutes, is reenacted to read:

61 330.41 Unmanned Aircraft Systems Act.—

62 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

64 1. Operate a drone over a critical infrastructure
 65 facility;

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

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

72 (b) A person who violates paragraph (a) commits a
 73 misdemeanor of the second degree, punishable as provided in s.
 74 775.082 or s. 775.083. A person who commits a second or
 75 subsequent violation commits a misdemeanor of the first degree,

76 | punishable as provided in s. 775.082 or s. 775.083.

77 | (c) This subsection does not apply to actions identified
78 | in paragraph (a) which are committed by:

79 | 1. A federal, state, or other governmental entity, or a
80 | person under contract or otherwise acting under the direction of
81 | a federal, state, or other governmental entity.

82 | 2. A law enforcement agency that is in compliance with s.
83 | 934.50, or a person under contract with or otherwise acting
84 | under the direction of such law enforcement agency.

85 | 3. An owner, operator, or occupant of the critical
86 | infrastructure facility, or a person who has prior written
87 | consent of such owner, operator, or occupant.

88 | (d) Subparagraph (a)1. does not apply to a drone operating
89 | in transit for commercial purposes in compliance with Federal
90 | Aviation Administration regulations, authorizations, or
91 | exemptions.

92 | (e) This subsection shall sunset 60 days after the date
93 | that a process pursuant to s. 2209 of the FAA Extension, Safety
94 | and Security Act of 2016 becomes effective.

95 | Section 3. This act shall take effect July 1, 2019.