

By Senator Rouson

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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 amendment made to s. 934.50, F.S., in a reference
13 thereto; providing an effective 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

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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 10 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 a
44 drone:

45 (d) If a law enforcement agency uses a drone to prepare for
46 or monitor safety and security at a large-scale event and the
47 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

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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 facility;

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

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

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

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

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

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

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

87 (d) Subparagraph (a)1. does not apply to a drone operating

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88 in transit for commercial purposes in compliance with Federal
89 Aviation Administration regulations, authorizations, or
90 exemptions.

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

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