

By the Committee on Criminal Justice; and Senator Rouson

591-02308-19

2019132c1

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 934.50, 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 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 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.