

1 A bill to be entitled
2 An act relating to the use of drones by government
3 agencies; amending s. 934.50, F.S.; expanding the
4 authorized uses of drones by law enforcement agencies
5 and other specified entities for specified purposes;
6 providing definitions; requiring the Department of
7 Management Services, in consultation with a specified
8 officer, to publish a list of approved drone
9 manufacturers meeting specified security standards;
10 authorizing the department to consult specified
11 entities and guidance in developing the list;
12 requiring a governmental agency to use a drone from
13 the approved list; requiring specified governmental
14 agencies to submit a specified plan; requiring the
15 department to adopt certain rules; requiring
16 governmental agencies to discontinue the use of
17 specified drones by a certain date; requiring the
18 department to establish minimum security standards for
19 governmental agency drone use; authorizing the
20 department to consult specified agencies in
21 establishing the rules; reenacting s. 330.41(4)(c),
22 F.S., relating to unmanned aircraft systems, to
23 incorporate the amendment made to s. 934.50, F.S., in
24 a reference thereto; providing an effective date.
25

26 | Be It Enacted by the Legislature of the State of Florida:

27 |

28 | Section 1. Paragraphs (d) through (k) of subsection (4) of
 29 | section 934.50, Florida Statutes, are redesignated as paragraphs
 30 | (i) through (p), respectively, paragraph (a) of subsection (3)
 31 | is amended, new paragraphs (d) through (h) are added to
 32 | subsection (4), and subsection (7) is added to that section, to
 33 | read:

34 | 934.50 Searches and seizure using a drone.—

35 | (3) PROHIBITED USE OF DRONES.—

36 | (a) A law enforcement agency may not use a drone to gather
 37 | evidence or other information, except as provided in subsection
 38 | (4).

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

41 | (d) To provide a law enforcement agency with an aerial
 42 | perspective of a crowd of 50 people or more, provided that:

43 | 1. The law enforcement agency that uses the drone to
 44 | provide an aerial perspective of a crowd of 50 people or more
 45 | must have policies and procedures that include guidelines:

46 | a. For the agency's use of a drone.

47 | b. For the proper storage, retention, and release of any
 48 | images or video captured by the drone.

49 | c. That address the personal safety and constitutional
 50 | protections of the people being observed.

51 2. The head of the law enforcement agency using the drone
52 for this purpose must provide written authorization for such use
53 and must maintain a copy on file at the agency.

54 (e) To assist a law enforcement agency with traffic
55 management; however, a law enforcement agency acting under this
56 paragraph may not issue a traffic infraction citation based on
57 images or video captured by a drone.

58 (f) To facilitate a law enforcement agency's collection of
59 evidence at a crime scene or traffic crash scene.

60 (g) By a state agency or political subdivision for:

61 1. The assessment of damage due to a flood, a wildfire, or
62 any other natural disaster that is the subject of a state of
63 emergency declared by the state or by a political subdivision,
64 before the expiration of the emergency declaration.

65 2. Vegetation or wildlife management on publicly owned
66 land or water.

67 (h) By certified fire department personnel to perform
68 tasks within the scope and practice authorized under their
69 certifications.

70 (7) SECURITY STANDARDS FOR GOVERNMENTAL AGENCY DRONE USE.—

71 (a) As used in this subsection, the term:

72 1. "Department" means the Department of Management
73 Services.

74 2. "Governmental agency" means any state, county, local,
75 or municipal governmental entity or any unit of government

76 created or established by law that uses a drone for any purpose.

77 (b) By January 1, 2022, the department, in consultation
78 with the state chief information officer, shall publish on the
79 department's website a list of approved manufacturers whose
80 drones may be purchased or otherwise acquired and used by a
81 governmental agency under this section. An approved manufacturer
82 must provide appropriate safeguards to protect the
83 confidentiality, integrity, and availability of data collected,
84 transmitted, and stored by a drone. The department may consult
85 federal agencies and any relevant federal guidance in developing
86 the list of approved manufacturers required under this
87 paragraph.

88 (c) Beginning on the date the department publishes the
89 list of approved drone manufacturers under paragraph (b), a
90 governmental agency may only purchase or otherwise acquire a
91 drone from an approved manufacturer.

92 (d) By July 1, 2022, a governmental agency that uses any
93 drone not produced by an approved manufacturer shall submit to
94 the department a comprehensive plan for discontinuing the use of
95 such a drone. The department shall adopt rules identifying the
96 requirements of the comprehensive plan required under this
97 paragraph.

98 (e) By January 1, 2023, all governmental agencies must
99 discontinue the use of drones not produced by an approved
100 manufacturer. The department shall establish by rule, consistent

101 with any federal guidance on drone security, minimum security
102 requirements for governmental agency drone use to protect the
103 confidentiality, integrity, and availability of data collected,
104 transmitted, or stored by a drone. The department may consult
105 federal agencies in establishing the minimum security
106 requirements required under this paragraph.

107 Section 2. For the purpose of incorporating the amendment
108 made by this act to section 934.50, Florida Statutes, in a
109 reference thereto, paragraph (c) of subsection (4) of section
110 330.41, Florida Statutes, is reenacted to read:

111 330.41 Unmanned Aircraft Systems Act.—

112 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

115 1. A federal, state, or other governmental entity, or a
116 person under contract or otherwise acting under the direction of
117 a federal, state, or other governmental entity.

118 2. A law enforcement agency that is in compliance with s.
119 934.50, or a person under contract with or otherwise acting
120 under the direction of such law enforcement agency.

121 3. An owner, operator, or occupant of the critical
122 infrastructure facility, or a person who has prior written
123 consent of such owner, operator, or occupant.

124 Section 3. This act shall take effect July 1, 2021.