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A bill to be entitled  
 An act relating to use of drones by government agencies; amending s. 934.50, F.S.; expanding the authorized uses of drones by a state agency or political subdivision to include the assessment of damage due to natural disasters; reenacting s. 330.41(4)(c), F.S., relating to unmanned aircraft systems, to incorporate the amendment made to s. 934.50, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (3) of section 934.50, Florida Statutes, is amended, and paragraph (1) is added to subsection (4) of that section, to read:

934.50 Searches and seizure using a drone.—

(3) PROHIBITED USE OF DRONES.—Except as provided under subsection (4):

(a) A law enforcement agency may not use a drone to gather evidence or other information.

(b) A person, a state agency, or a political subdivision as defined in s. 11.45 may not use a drone equipped with an imaging device to record an image of privately owned real property or of the owner, tenant, occupant, invitee, or licensee

26 | of such property with the intent to conduct surveillance on the  
27 | individual or property captured in the image in violation of  
28 | such person's reasonable expectation of privacy without his or  
29 | her written consent. For purposes of this section, a person is  
30 | presumed to have a reasonable expectation of privacy on his or  
31 | her privately owned real property if he or she is not observable  
32 | by persons located at ground level in a place where they have a  
33 | legal right to be, regardless of whether he or she is observable  
34 | from the air with the use of a drone.

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

37 | (1) By a state agency or political subdivision for the  
38 | assessment of damage due to a hurricane, a flood, a wildfire, or  
39 | any other natural disaster.

40 | Section 2. For the purpose of incorporating the amendment  
41 | made by this act to section 934.50, Florida Statutes, in a  
42 | reference thereto, paragraph (c) of subsection (4) of section  
43 | 330.41, Florida Statutes, is reenacted to read:

44 | 330.41 Unmanned Aircraft Systems Act.—

45 | (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

48 | 1. A federal, state, or other governmental entity, or a  
49 | person under contract or otherwise acting under the direction of  
50 | a federal, state, or other governmental entity.

51           2. A law enforcement agency that is in compliance with s.  
52 934.50, or a person under contract with or otherwise acting  
53 under the direction of such law enforcement agency.

54           3. An owner, operator, or occupant of the critical  
55 infrastructure facility, or a person who has prior written  
56 consent of such owner, operator, or occupant.

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