

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Giallombardo offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraphs (d) through (k) of subsection (4) of  
6 section 934.50, Florida Statutes, are redesignated as paragraphs  
7 (i) through (p), respectively, paragraph (a) of subsection (3)  
8 is amended, new paragraphs (d) through (h) are added to  
9 subsection (4), and subsection (7) is added to that section, to  
10 read:

11 934.50 Searches and seizure using a drone.—

12 (3) PROHIBITED USE OF DRONES.—

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13 (a) A law enforcement agency may not use a drone to gather  
14 evidence or other information, except as provided in subsection  
15 (4).

16 (4) EXCEPTIONS.—This section does not prohibit the use of  
17 a drone:

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

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

23 a. For the agency's use of a drone.

24 b. For the proper storage, retention, and release of any  
25 images or video captured by the drone.

26 c. That address the personal safety and constitutional  
27 protections of the people being observed.

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

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

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

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

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38 1. The assessment of damage due to a flood, a wildfire, or  
39 any other natural disaster that is the subject of a state of  
40 emergency declared by the state or by a political subdivision,  
41 before the expiration of the emergency declaration.

42 2. Vegetation or wildlife management on publicly owned  
43 land or water.

44 (h) By certified fire department personnel to perform  
45 tasks within the scope and practice authorized under their  
46 certifications.

47 (7) SECURITY STANDARDS FOR GOVERNMENTAL AGENCY DRONE USE.-

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

49 1. "Department" means the Department of Management  
50 Services.

51 2. "Governmental agency" means any state, county, local,  
52 or municipal governmental entity or any unit of government  
53 created or established by law that uses a drone for any purpose.

54 (b) By January 1, 2022, the department, in consultation  
55 with the state chief information officer, shall publish on the  
56 department's website a list of approved manufacturers whose  
57 drones may be purchased or otherwise acquired and used by a  
58 governmental agency under this section. An approved manufacturer  
59 must provide appropriate safeguards to protect the  
60 confidentiality, integrity, and availability of data collected,  
61 transmitted, or stored by a drone. The department may consult  
62 state and federal agencies and any relevant federal guidance in

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63 developing the list of approved manufacturers required under  
64 this paragraph.

65 (c) Beginning on the date the department publishes the  
66 list of approved drone manufacturers under paragraph (b), a  
67 governmental agency may only purchase or otherwise acquire a  
68 drone from an approved manufacturer.

69 (d) By July 1, 2022, a governmental agency that uses any  
70 drone not produced by an approved manufacturer shall submit to  
71 the department a comprehensive plan for discontinuing the use of  
72 such a drone. The department shall adopt rules identifying the  
73 requirements of the comprehensive plan required under this  
74 paragraph.

75 (e) By January 1, 2023, all governmental agencies must  
76 discontinue the use of drones not produced by an approved  
77 manufacturer. The department shall establish by rule, consistent  
78 with any federal guidance on drone security, minimum security  
79 requirements for governmental agency drone use to protect the  
80 confidentiality, integrity, and availability of data collected,  
81 transmitted, or stored by a drone. The department may consult  
82 federal agencies in establishing the minimum security  
83 requirements required under this paragraph.

84 Section 2. For the purpose of incorporating the amendment  
85 made by this act to section 934.50, Florida Statutes, in a  
86 reference thereto, paragraph (c) of subsection (4) of section  
87 330.41, Florida Statutes, is reenacted to read:

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88 330.41 Unmanned Aircraft Systems Act.—

89 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

92 1. A federal, state, or other governmental entity, or a  
93 person under contract or otherwise acting under the direction of  
94 a federal, state, or other governmental entity.

95 2. A law enforcement agency that is in compliance with s.  
96 934.50, or a person under contract with or otherwise acting  
97 under the direction of such law enforcement agency.

98 3. An owner, operator, or occupant of the critical  
99 infrastructure facility, or a person who has prior written  
100 consent of such owner, operator, or occupant.

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

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104 **T I T L E A M E N D M E N T**

105 Remove everything before the enacting clause and insert:

106  
107 A bill to be entitled  
108 An act relating to the use of drones by government  
109 agencies; amending s. 934.50, F.S.; expanding the  
110 authorized uses of drones by law enforcement agencies  
111 and other specified entities for specified purposes;  
112 providing definitions; requiring the Department of

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113 Management Services, in consultation with a specified  
114 officer, to publish a list of approved drone  
115 manufacturers meeting specified security standards;  
116 authorizing the department to consult specified  
117 entities and guidance in developing the list;  
118 requiring a governmental agency to use a drone from  
119 the approved list; requiring specified governmental  
120 agencies to submit a specified plan; requiring the  
121 department to adopt certain rules; requiring  
122 governmental agencies to discontinue the use of  
123 specified drones by a certain date; requiring the  
124 department to establish minimum security standards for  
125 governmental agency drone use; authorizing the  
126 department to consult specified agencies in  
127 establishing the rules; reenacting s. 330.41(4)(c),  
128 F.S., relating to unmanned aircraft systems, to  
129 incorporate the amendment made to s. 934.50, F.S., in  
130 a reference thereto; providing an effective date.

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