

By Senator Wright

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1                   A bill to be entitled  
2       An act relating to drones; amending s. 934.50, F.S.;  
3       expanding the authorized uses of drones by law  
4       enforcement agencies, by a state agency or political  
5       subdivision, or by certified fire department personnel  
6       for specified purposes; reenacting s. 330.41(4)(c),  
7       F.S., relating to unmanned aircraft systems, to  
8       incorporate the amendment made to s. 934.50, F.S., in  
9       a reference thereto; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13       Section 1. Present paragraphs (d) through (k) of subsection  
14       (4) of section 934.50, Florida Statutes, are redesignated as  
15       paragraphs (i) through (p), respectively, new paragraphs (d)  
16       through (h) are added to that subsection, and subsection (3) of  
17       that section is amended, to read:

18       934.50 Searches and seizure using a drone.—

19       (3) PROHIBITED USE OF DRONES.—Except as provided in  
20       subsection (4):

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

23       (b) A person, a state agency, or a political subdivision as  
24       defined in s. 11.45 may not use a drone equipped with an imaging  
25       device to record an image of privately owned real property or of  
26       the owner, tenant, occupant, invitee, or licensee of such  
27       property with the intent to conduct surveillance on the  
28       individual or property captured in the image in violation of  
29       such person's reasonable expectation of privacy without his or

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30 her written consent. For purposes of this section, a person is  
31 presumed to have a reasonable expectation of privacy on his or  
32 her privately owned real property if he or she is not observable  
33 by persons located at ground level in a place where they have a  
34 legal right to be, regardless of whether he or she is observable  
35 from the air with the use of a drone.

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

38 (d) To provide a law enforcement agency with an aerial  
39 perspective of a crowd of 50 people or more.

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

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

46 (g) By a state agency or political subdivision for the  
47 assessment of damage due to a flood, a wildfire, or any other  
48 natural disaster or for vegetation or wildlife management on  
49 publicly owned land or water.

50 (h) By certified fire department personnel to perform tasks  
51 within the scope and practice authorized under their  
52 certifications.

53 Section 2. For the purpose of incorporating the amendment  
54 made by this act to section 934.50, Florida Statutes, in a  
55 reference thereto, paragraph (c) of subsection (4) of section  
56 330.41, Florida Statutes, is reenacted to read:

57 330.41 Unmanned Aircraft Systems Act.—

58 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

61 1. A federal, state, or other governmental entity, or a  
62 person under contract or otherwise acting under the direction of  
63 a federal, state, or other governmental entity.

64 2. A law enforcement agency that is in compliance with s.  
65 934.50, or a person under contract with or otherwise acting  
66 under the direction of such law enforcement agency.

67 3. An owner, operator, or occupant of the critical  
68 infrastructure facility, or a person who has prior written  
69 consent of such owner, operator, or occupant.

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