

By the Committees on Rules; and Criminal Justice; and Senator Wright

595-02409-21

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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:

12  
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, provided that:

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

43 a. For the agency's use of a drone;

44 b. For the proper storage, retention, and release of any  
45 images or video captured by the drone; and

46 c. That address the personal safety and constitutional  
47 protections of the people being observed.

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

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

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

57 (g) By a state agency or political subdivision for the  
58 assessment of damage due to a flood, a wildfire, or any other

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59 natural disaster or for vegetation or wildlife management on  
60 publicly owned land or water.

61 (h) By certified fire department personnel to perform tasks  
62 within the scope and practice authorized under their  
63 certifications.

64 Section 2. For the purpose of incorporating the amendment  
65 made by this act to section 934.50, Florida Statutes, in a  
66 reference thereto, paragraph (c) of subsection (4) of section  
67 330.41, Florida Statutes, is reenacted to read:

68 330.41 Unmanned Aircraft Systems Act.—

69 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

72 1. A federal, state, or other governmental entity, or a  
73 person under contract or otherwise acting under the direction of  
74 a federal, state, or other governmental entity.

75 2. A law enforcement agency that is in compliance with s.  
76 934.50, or a person under contract with or otherwise acting  
77 under the direction of such law enforcement agency.

78 3. An owner, operator, or occupant of the critical  
79 infrastructure facility, or a person who has prior written  
80 consent of such owner, operator, or occupant.

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