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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:  
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28           Section 1. Paragraphs (d) through (k) of subsection (4) of  
29   section 934.50, Florida Statutes, are redesignated as paragraphs

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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 a  
40 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

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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 land  
66 or water.

67 (h) By certified fire department personnel to perform tasks  
68 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, or  
75 municipal governmental entity or any unit of government created  
76 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, or stored by a drone. The department may consult  
85 state and federal agencies and any relevant federal guidance in  
86 developing the list of approved manufacturers required under  
87 this paragraph.

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88 (c) Beginning on the date the department publishes the list  
89 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 in  
114 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

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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.