

By Senator Diaz

36-00595-21

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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 a state
4 agency or political subdivision to include the
5 assessment of damage due to natural disasters;
6 reenacting s. 330.41(4)(c), F.S., relating to unmanned
7 aircraft systems, to incorporate the amendment made to
8 s. 934.50, F.S., in a reference thereto; providing an
9 effective date.

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

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

16 934.50 Searches and seizure using a drone.—

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

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

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

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30 her privately owned real property if he or she is not observable
31 by persons located at ground level in a place where they have a
32 legal right to be, regardless of whether he or she is observable
33 from the air with the use of a drone.

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

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

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

43 330.41 Unmanned Aircraft Systems Act.—

44 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

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

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

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

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