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CS/CS/HB 645

2023 Legislature

1
 2 An act relating to the Unmanned Aircraft Systems Act;
 3 amending s. 330.41, F.S.; revising the definition of
 4 the term "critical infrastructure facility"; deleting
 5 a provision requiring certain persons and governmental
 6 entities to apply to the Federal Aviation
 7 Administration to restrict or limit the operation of
 8 drones in close proximity to certain infrastructure or
 9 facilities; deleting a provision allowing a drone
 10 operating in transit for commercial purposes to
 11 operate over a critical infrastructure facility under
 12 certain circumstances; providing for future sunset of
 13 the definition of the term "critical infrastructure
 14 facility"; providing effective dates.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Paragraph (a) of subsection (2), paragraph (d)
 19 of subsection (3), and paragraphs (d) and (e) of subsection (4)
 20 of section 330.41, Florida Statutes, are amended to read:

21 330.41 Unmanned Aircraft Systems Act.—

22 (2) DEFINITIONS.—As used in this act, the term:

23 (a) "Critical infrastructure facility" means any of the
 24 following, if completely enclosed by a fence or other physical
 25 barrier that is obviously designed to exclude intruders, or if

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26 | clearly marked with a sign or signs which indicate that entry is
 27 | forbidden and which are posted on the property in a manner
 28 | reasonably likely to come to the attention of intruders:

29 | 1. A ~~An electrical~~ power generation or transmission
 30 | facility, substation, switching station, or electrical control
 31 | center.

32 | 2. A chemical or rubber manufacturing or storage facility.

33 | 3. A water intake structure, water treatment facility,
 34 | wastewater treatment plant, or pump station.

35 | ~~4.3.~~ A mining facility.

36 | ~~5.4.~~ A natural gas or compressed gas compressor station,
 37 | storage facility, or natural gas or compressed gas pipeline.

38 | ~~6.5.~~ A liquid natural gas or propane gas terminal or
 39 | storage facility ~~with a capacity of 4,000 gallons or more.~~

40 | ~~7.6.~~ Any portion of an aboveground oil or gas pipeline.

41 | 8. A refinery.

42 | 9. A gas processing plant, including a plant used in the
 43 | processing, treatment, or fractionation of natural gas.

44 | ~~10.7.~~ A wireless communications facility, including the
 45 | tower, antennae, support structures, and all associated ground-
 46 | based equipment.

47 | 11. A seaport as listed in s. 311.09(1), which need not be
 48 | completely enclosed by a fence or other physical barrier and
 49 | need not be marked with a sign or signs indicating that entry is
 50 | forbidden.

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51 12. An inland port or other facility or group of
 52 facilities serving as a point of intermodal transfer of freight
 53 in a specific area physically separated from a seaport.

54 13. An airport as defined in s. 330.27.

55 14. A spaceport territory as defined in s. 331.303(18).

56 15. A military installation as defined in 10 U.S.C. s.
 57 2801(c) (4) and an armory as defined in s. 250.01.

58 16. A dam as defined in s. 373.403(1) or other structures,
 59 such as locks, floodgates, or dikes, which are designed to
 60 maintain or control the level of navigable waterways.

61 17.8. A state correctional institution as defined in s.
 62 944.02 or a private correctional facility authorized under
 63 chapter 957.

64 18.9. A secure detention center or facility~~7~~ as defined in
 65 s. 985.03, or a nonsecure residential facility, a high-risk
 66 residential facility, or a maximum-risk residential facility~~7~~ as
 67 those terms are described in s. 985.03(44).

68 19.10. A county detention facility~~7~~ as defined in s.
 69 951.23.

70 (3) REGULATION.—

71 ~~(d) A person or governmental entity seeking to restrict or~~
 72 ~~limit the operation of drones in close proximity to~~
 73 ~~infrastructure or facilities that the person or governmental~~
 74 ~~entity owns or operates must apply to the Federal Aviation~~
 75 ~~Administration for such designation pursuant to s. 2209 of the~~

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76 ~~FAA Extension, Safety, and Security Act of 2016.~~

77 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

78 ~~(d) Subparagraph (a)1. does not apply to a drone operating~~
 79 ~~in transit for commercial purposes in compliance with Federal~~
 80 ~~Aviation Administration regulations, authorizations, or~~
 81 ~~exemptions.~~

82 (d)(e) This subsection and paragraph (2)(a) shall sunset
 83 60 days after the date that a process pursuant to s. 2209 of the
 84 FAA Extension, Safety and Security Act of 2016 becomes
 85 effective.

86 Section 2. Effective on the same date that HB 1355, 2023
 87 Regular Session, or similar legislation takes effect, if such
 88 legislation is adopted in the same legislative session or an
 89 extension thereof and becomes a law, paragraph (a) of subsection
 90 (2) of section 330.41, Florida Statutes, as amended by this act,
 91 is amended to read:

92 330.41 Unmanned Aircraft Systems Act.—

93 (2) DEFINITIONS.—As used in this act, the term:

94 (a) "Critical infrastructure facility" means any of the
 95 following, if completely enclosed by a fence or other physical
 96 barrier that is obviously designed to exclude intruders, or if
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 98 forbidden and which are posted on the property in a manner
 99 reasonably likely to come to the attention of intruders:

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- 101 substation, switching station, or electrical control center.
- 102 2. A chemical or rubber manufacturing or storage facility.
- 103 3. A water intake structure, water treatment facility,
- 104 wastewater treatment plant, or pump station.
- 105 4. A mining facility.
- 106 5. A natural gas or compressed gas compressor station,
- 107 storage facility, or natural gas or compressed gas pipeline.
- 108 6. A liquid natural gas or propane gas terminal or storage
- 109 facility.
- 110 7. Any portion of an aboveground oil or gas pipeline.
- 111 8. A refinery.
- 112 9. A gas processing plant, including a plant used in the
- 113 processing, treatment, or fractionation of natural gas.
- 114 10. A wireless communications facility, including the
- 115 tower, antennae, support structures, and all associated ground-
- 116 based equipment.
- 117 11. A seaport as listed in s. 311.09(1), which need not be
- 118 completely enclosed by a fence or other physical barrier and
- 119 need not be marked with a sign or signs indicating that entry is
- 120 forbidden.
- 121 12. An inland port or other facility or group of
- 122 facilities serving as a point of intermodal transfer of freight
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 130 maintain or control the level of navigable waterways.

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 132 944.02 or a private correctional facility authorized under
 133 chapter 957.

134 18. A secure detention center or facility as defined in s.
 135 985.03, or a nonsecure residential facility, a high-risk
 136 residential facility, or a maximum-risk residential facility as
 137 those terms are described in s. 985.03(44).

138 19. A county detention facility as defined in s. 951.23.

139 20. A critical infrastructure facility as defined in s.
 140 692.201.

141 Section 3. Except as otherwise expressly provided in this
 142 act, this act shall take effect July 1, 2023.