

**By** the Committees on Military and Veterans Affairs, Space, and Domestic Security; and Transportation; and Senator Rodriguez

583-03302-23

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1                   A bill to be entitled  
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 requirement that a person or governmental entity  
6           apply to the Federal Aviation Administration to  
7           restrict or limit the operation of drones in specified  
8           areas; deleting a provision allowing a drone operating  
9           in transit for commercial purposes to operate over a  
10          critical infrastructure facility under certain  
11          circumstances; providing for the future sunset of the  
12          definition of the term "critical infrastructure  
13          facility"; providing effective dates.

14  
15 Be It Enacted by the Legislature of the State of Florida:

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

20           330.41 Unmanned Aircraft Systems Act.—

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

22           (a) "Critical infrastructure facility" means any of the  
23           following, if completely enclosed by a fence or other physical  
24           barrier that is obviously designed to exclude intruders, or if  
25           clearly marked with a sign or signs which indicate that entry is  
26           forbidden and which are posted on the property in a manner  
27           reasonably likely to come to the attention of intruders:

28           1. A ~~An electrical~~ power generation or transmission  
29           facility, substation, switching station, or electrical control

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30 center.

31 2. A chemical or rubber manufacturing or storage facility.

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

34 ~~4.3.~~ A mining facility.

35 ~~5.4.~~ A natural gas or compressed gas compressor station,  
36 storage facility, or natural gas or compressed gas pipeline.

37 ~~6.5.~~ A liquid natural gas or propane gas terminal or  
38 storage facility with a capacity of 4,000 gallons or more.

39 ~~7.6.~~ Any portion of an aboveground oil or gas pipeline.

40 8. A refinery.

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

43 ~~10.7.~~ A wireless communications facility, including the  
44 tower, antennae, support structures, and all associated ground-  
45 based equipment.

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

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

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

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

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

57 16. A dam as defined in s. 373.403(1) or other structures,  
58 such as locks, floodgates, or dikes, which are designed to

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59 maintain or control the level of navigable waterways.

60 ~~17.8.~~ A state correctional institution as defined in s.  
61 944.02 or a private correctional facility authorized under  
62 chapter 957.

63 ~~18.9.~~ A secure detention center or facility, as defined in  
64 s. 985.03, or a nonsecure residential facility, a high-risk  
65 residential facility, or a maximum-risk residential facility, as  
66 those terms are described in s. 985.03(44).

67 ~~19.10.~~ A county detention facility, as defined in s.  
68 951.23.

69 (3) REGULATION.—

70 ~~(d) A person or governmental entity seeking to restrict or~~  
71 ~~limit the operation of drones in close proximity to~~  
72 ~~infrastructure or facilities that the person or governmental~~  
73 ~~entity owns or operates must apply to the Federal Aviation~~  
74 ~~Administration for such designation pursuant to s. 2209 of the~~  
75 ~~FAA Extension, Safety, and Security Act of 2016.~~

76 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

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

85 Section 2. Effective on the same date that SB 264 or  
86 similar legislation takes effect, if such legislation is adopted  
87 in the same legislative session or an extension thereof and

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88 becomes a law, paragraph (a) of subsection (2) of section  
89 330.41, Florida Statutes, as amended by this act, is amended to  
90 read:

91 330.41 Unmanned Aircraft Systems Act.—

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

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

99 1. A power generation or transmission facility, substation,  
100 switching station, or electrical control center.

101 2. A chemical or rubber manufacturing or storage facility.

102 3. A water intake structure, water treatment facility,  
103 wastewater treatment plant, or pump station.

104 4. A mining facility.

105 5. A natural gas or compressed gas compressor station,  
106 storage facility, or natural gas or compressed gas pipeline.

107 6. A liquid natural gas or propane gas terminal or storage  
108 facility.

109 7. Any portion of an aboveground oil or gas pipeline.

110 8. A refinery.

111 9. A gas processing plant, including a plant used in the  
112 processing, treatment, or fractionation of natural gas.

113 10. A wireless communications facility, including the  
114 tower, antennae, support structures, and all associated ground-  
115 based equipment.

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122 specific area physically separated from a seaport.

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128 such as locks, floodgates, or dikes, which are designed to  
129 maintain or control the level of navigable waterways.

130 17. A state correctional institution as defined in s.  
131 944.02 or a private correctional facility authorized under  
132 chapter 957.

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

137 19. A county detention facility, as defined in s. 951.23.

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

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