

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [CS/HB 1121](#)

**TITLE:** Unmanned Aircraft and Unmanned Aircraft Systems

**SPONSOR(S):** Canady

**COMPANION BILL:** [CS/SB 1422](#) (Truenow)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Criminal Justice](#)

17 Y, 0 N, As CS



[Judiciary](#)

## SUMMARY

### Effect of the Bill:

CS/HB 1121 makes several changes relating to drones and unmanned aircraft systems, including:

- Increasing the criminal penalty if a person operates a drone over or near a critical infrastructure facility, or if he or she operates or possesses an unmanned aircraft or unmanned aircraft system with an attached weapon or firearm.
- Prohibiting a person from altering an unmanned aircraft or unmanned aircraft system to purposefully frustrate specified remote identification requirements, and prohibiting a person from possessing or operating such an altered aircraft or system.
- Prohibiting a person from possessing or operating an unmanned aircraft system carrying a weapon of mass destruction, hoax weapon of mass destruction, biological agent, or toxin.
- Authorizing a law enforcement agency to use a drone to provide or maintain the public safety of a crowd of 50 people or more and to provide security to elected officials.
- Providing a criminal penalty if a person unlawfully uses a drone to conduct surveillance of a person or private property and an enhanced penalty if a person intentionally distributes such surveillance.

### Fiscal or Economic Impact:

The bill may have an indeterminate positive prison and jail bed impact by creating new felony and misdemeanor offenses related to drones and unmanned aircraft systems, which may result in increased prison and jail admissions.

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## ANALYSIS

### EFFECT OF THE BILL:

#### Drones

##### [Critical Infrastructure Facilities](#)

The bill increases the penalty for operating a drone over, on, or near a critical infrastructure facility. Specifically, the bill increases the penalty from a second degree misdemeanor<sup>1</sup> to a third degree felony<sup>2</sup> if a person:

- Operates a drone over a critical infrastructure facility, unless the operation is for a commercial purpose and is authorized in compliance with Federal Aviation Administration (FAA) regulations;
- Allows a drone to make contact with a critical infrastructure facility; or
- Allows a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operation of, or cause a disturbance to, such a facility. (Section [1](#))

The bill also specifies that a wired communications facility is a critical infrastructure facility. (Section [1](#))

<sup>1</sup> A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine. [Ss. 775.082](#) or [775.083, F.S.](#)

<sup>2</sup> A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. [Ss. 775.082, 775.083, F.S., or 775.084, F.S.](#)

**STORAGE NAME:** h1121a.CRM

**DATE:** 3/20/2025

### [Modified Unmanned Aircraft Systems](#)

The bill increases the penalty if a person knowingly or willfully possesses or operates an unmanned aircraft or unmanned aircraft system with an attached weapon, firearm, explosive, destructive device, or ammunition from a second degree misdemeanor to a third degree felony. (Section [2](#))

The bill prohibits a person from knowingly or willfully:

- Altering, manipulating, tampering with, or otherwise changing an unmanned aircraft's or unmanned aircraft system's hardware or software to purposefully frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the FAA as they relate to unmanned aircraft or unmanned aircraft systems in violation of [s. 330.41\(4\)\(a\), F.S.](#), which prohibits operating a drone over or near a critical infrastructure facility.
- Possessing or operating an unmanned aircraft or unmanned aircraft system that has been altered, manipulated, tampered with, or otherwise changed to purposefully frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the FAA as they relate to any unmanned aircraft or unmanned aircraft systems in violation of [s. 330.41\(4\)\(a\), F.S.](#)

A violation of either prohibition is punishable as a third degree felony. The prohibitions do not apply if the administrator of the FAA or the Secretary of Defense authorizes an unmanned aircraft or unmanned aircraft system to be altered or manipulated or authorizes a person to possess or operate such an unmanned aircraft or unmanned aircraft system. (Section [2](#))

The bill also prohibits a person from possessing or operating an unmanned aircraft system carrying a weapon of mass destruction,<sup>3</sup> a hoax weapon of mass destruction,<sup>4</sup> a biological agent,<sup>5</sup> or a toxin<sup>6</sup> if he or she does not have the lawful authority to do so. A violation of the prohibition is punishable as a first degree felony.<sup>7</sup> (Section [2](#))

### [Use of Drones by a Person, State Agency, or Political Subdivision](#)

The bill provides a criminal penalty if a person knowingly or willfully uses a drone equipped with an imaging device to record an image of privately owned real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property and such surveillance is conducted:

- In violation of such person's reasonable expectation of privacy; and
- Without the person's written consent.

Under the bill, a violation of the prohibition is punishable as a first degree misdemeanor.<sup>8</sup> If a person knowingly or willfully uses a drone to conduct unauthorized surveillance and intentionally distributes such surveillance, he or

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<sup>3</sup> "Weapon of mass destruction" means:

- Any device or object that is designed or intended to cause death or serious bodily injury to any human or animal, or severe emotional or mental harm to any human, through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;
- Any device or object involving a biological agent;
- Any device or object that is designed or intended to release radiation or radioactivity at a level dangerous to human or animal life; or
- Any biological agent, toxin, vector, or delivery system. [S. 790.166\(1\)\(a\), F.S.](#)

<sup>4</sup> "Hoax weapon of mass destruction" means any device or object that by its design, construction, content, or characteristics appears to be or to contain, or is represented to be, constitute, or contain, a weapon of mass destruction, but which is, in fact, an inoperative facsimile, imitation, counterfeit, or representation of a weapon of mass destruction which does not meet the definition of a weapon of mass destruction or which does not actually contain or constitute a prohibited weapon, biological agent, toxin, vector, or delivery system. [S. 790.166\(1\)\(b\), F.S.](#)

<sup>5</sup> "Biological agent" means any microorganism, virus, infectious substance, or biological product that may be engineered through biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, capable of causing:

- Death, disease, or other biological malfunction in a human, an animal, a plant, or other living organism;
- Deterioration of food, water, equipment, supplies, or material of any kind; or
- Deleterious alteration of the environment. [S. 790.166\(1\)\(a\), F.S.](#)

<sup>6</sup> "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of reproduction, including:

- Any poisonous substance or biological product that may be engineered through biotechnology produced by a living organism; or
- Any poisonous isomer or biological product, homolog, or derivative of such substance. [S. 790.166\(1\)\(a\), F.S.](#)

<sup>7</sup> A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. [Ss. 775.082, 775.083, F.S., or 775.084, F.S.](#)

she commits a third degree felony. The bill specifies that the criminal penalty does not apply to a state agency, political subdivision, or law enforcement agency or to an officer, employee, or agent of such subdivision or agency who is acting in the course and scope of his or her employment. (Section [3](#))

#### [Use of Drones by a Law Enforcement Agency](#)

The bill authorizes a law enforcement agency to use a drone:

- To provide or maintain the public safety of a crowd of 50 people or more.
- In furtherance of providing and maintaining the [security of elected officials](#) under [s. 943.68, F.S.](#) (Section [3](#))

The effective date of the bill is October 1, 2025. (Section [4](#))

### **FISCAL OR ECONOMIC IMPACT:**

#### STATE GOVERNMENT:

The bill may have an indeterminate positive prison bed impact by creating new felony offenses related to drones and unmanned aircraft systems, which may result in increased prison admissions.

#### LOCAL GOVERNMENT:

The bill may have an indeterminate positive jail bed impact by creating a new misdemeanor offense related to using a drone to conduct unauthorized surveillance, which may result in increased jail admissions.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### **Drones**

#### [Critical Infrastructure Facilities](#)

[Section 330.41, F.S.](#), prohibits a person from knowingly and willfully:

- Operating a drone<sup>9</sup> over a critical infrastructure facility;
- Allowing a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allowing a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

A violation of the prohibition is punishable as a second degree misdemeanor.<sup>10</sup> A second or subsequent violation is punishable as a first degree misdemeanor.

The prohibition does not apply if the drone is operated by:

- A federal, state, or other governmental entity, or a person under contract with or otherwise acting under the direction of a federal, state, or other governmental entity.
- A law enforcement agency that is in compliance with [s. 934.50, F.S.](#), or a person under contract with or otherwise acting under the direction of such law enforcement agency.
- An owner, operator, or occupant of the critical infrastructure facility, or a person who has prior written consent of such owner, operator, or occupant.<sup>11</sup>

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<sup>8</sup> A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. [Ss. 775.082](#) or [775.083, F.S.](#)

<sup>9</sup> "Drone" means a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.

[Ss. 330.41\(2\)\(b\), F.S.](#) and [934.50\(2\), F.S.](#)

<sup>10</sup> [S. 330.41\(4\)\(b\), F.S.](#)

<sup>11</sup> [S. 330.41\(4\)\(c\), F.S.](#)

A “critical infrastructure facility” means any of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders:

- A power generation or transmission facility, substation, switching station, or electrical control center.
- A chemical or rubber manufacturing or storage facility.
- A water intake structure, water treatment facility, wastewater treatment plant, or pump station.
- A mining facility.
- A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.
- A liquid natural gas or propane gas terminal or storage facility.
- Any portion of an aboveground oil or gas pipeline.
- A refinery.
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
- A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.
- A seaport as listed in [s. 311.09\(1\), F.S.](#), which need not be completely enclosed by a fence or other physical barrier and need not be marked with a sign or signs indicating that entry is forbidden.
- An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport.
- An airport as defined in [s. 330.27, F.S.](#)
- A spaceport territory as defined in [s. 331.303\(19\), F.S.](#)
- A military installation as defined in 10 U.S.C. s. 2801(c)(4) and an armory as defined in [s. 250.01, F.S.](#)
- A dam as defined in [s. 373.403, F.S.](#), or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways.
- A state correctional institution as defined in [s. 944.02, F.S.](#), or a contractor-operated correctional facility authorized under chapter 957.
- A secure detention center or facility as defined in [s. 985.03, F.S.](#), or a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility as those terms are described in [s. 985.03\(44\), F.S.](#)
- A county detention facility as defined in [s. 951.23, F.S.](#)
- A critical infrastructure facility as defined in [s. 692.201, F.S.](#)

### [Modified Unmanned Aircraft Systems](#)

[Section 330.411, F.S.](#), prohibits a person from possessing or operating an unmanned aircraft or unmanned aircraft system<sup>12</sup> with an attached weapon, firearm,<sup>13</sup> explosive,<sup>14</sup> destructive device,<sup>15</sup> or ammunition.<sup>16</sup> Under [s. 330.33, F.S.](#), a violation is punishable as a second degree misdemeanor.

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<sup>12</sup> “Unmanned aircraft system” means a drone and its associated elements, including communication links and the components used to control the drone which are required for the pilot in command to operate the drone safely and efficiently. [S. 330.41\(2\)\(e\), F.S.](#)

<sup>13</sup> “Firearm” means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime. [S. 790.001\(9\), F.S.](#)

<sup>14</sup> “Explosive” means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps, and detonators; but not including:

- Shotgun shells, cartridges, or ammunition for firearms;
- Fireworks as defined in [s. 791.01, F.S.](#)
- Smokeless propellant powder or small arms ammunition primers, if possessed, purchased, sold, transported, or used in compliance with [s. 552.241, F.S.](#)
- Black powder in quantities not to exceed that authorized by chapter 552, or by any rules adopted thereunder by the Department of Financial Services, when used for, or intended to be used for, the manufacture of target and sporting ammunition or for use in muzzle-loading flint or percussion weapons. [S. 790.001\(8\), F.S.](#)

<sup>15</sup> “Destructive device” means any bomb, grenade, mine, rocket, missile, pipe bomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any

### [Use of Drones by a Person, State Agency, or Political Subdivision](#)

A person, a state agency, or a political subdivision<sup>17</sup> is prohibited from using a drone equipped with an imaging device to record an image of privately owned real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance<sup>18</sup> on the individual or property in violation of such person's reasonable expectation of privacy without his or her written consent.<sup>19</sup> For purposes of the prohibition, a person is presumed to have a reasonable expectation of privacy if he or she is not observable by persons located at ground level in a place where they have a legal right to be, regardless of whether the person is observable from the air with the use of a drone.<sup>20</sup>

If a person, state agency, or political subdivision violates the prohibition, an owner, tenant, occupant, invitee, or licensee of privately owned real property whose property was the subject of unlawful surveillance may initiate a civil action for compensatory and punitive damages and may seek injunctive relief to prevent future violations.<sup>21</sup>

### [Use of Drones by a Law Enforcement Agency](#)

[Section 934.50, F.S.](#), the "Freedom from Unwarranted Surveillance Act," (Act) restricts the use of drones by individuals and government entities to conduct surveillance. Specific to law enforcement, a law enforcement agency,<sup>22</sup> is prohibited from using a drone to gather evidence or other information, except:

- To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates that there is such a risk.
- If the law enforcement agency first obtains a search warrant signed by a judge authorizing the use of a drone.
- If the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life or serious damage to property, to forestall the imminent escape of a suspect or the destruction of evidence, or to achieve purposes including, but not limited to, facilitating the search for a missing person.
- To provide a law enforcement agency with an aerial perspective of a crowd of 50 people or more, provided that:
  - The law enforcement agency must have policies and procedures that include guidelines:
    - For the agency's use of a drone.
    - For the proper storage, retention, and release of any images or video captured by the drone.

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device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms; any type of weapon which will, is designed to, or may readily be converted to expel a projectile by the action of any explosive and which has a barrel with a bore of one-half inch or more in diameter; and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. The term "destructive device" does not include:

- A device which is not designed, redesigned, used, or intended for use as a weapon;
- Any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device;
- Any shotgun other than a short-barreled shotgun; or
- Any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game. [S. 790.001\(6\), F.S.](#)

<sup>16</sup> "Ammunition" means an object consisting of all of the following, which must all be present for an object to be ammunition:

- A fixed metallic or nonmetallic hull or casing containing a primer.
- One or more projectiles, one or more bullets, or shot.
- Gunpowder. [S. 790.001\(1\), F.S.](#)

<sup>17</sup> "Political subdivision" means a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village. [S. 11.45\(1\)\(k\), F.S.](#)

<sup>18</sup> "Surveillance" means:

- With respect to an owner, tenant, occupant, invitee, or licensee of privately owned real property, the observation of such persons with sufficient visual clarity to be able to obtain information about their identity, habits, conduct, movements, or whereabouts; or
- With respect to privately owned real property, the observation of such property's physical improvements with sufficient visual clarity to be able to determine unique identifying features or its occupancy by one or more persons. [S. 934.50\(2\)\(e\), F.S.](#)

<sup>19</sup> [S. 934.50\(3\)\(b\), F.S.](#)

<sup>20</sup> *Id.*

<sup>21</sup> [S. 934.50\(5\)\(b\), F.S.](#)

<sup>22</sup> "Law enforcement agency" means a lawfully established state or local public agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws. [S. 934.50\(2\)\(d\), F.S.](#)

- That address the personal safety and constitutional protections of the people being observed.
  - The head of the law enforcement agency using the drone for this purpose must provide written authorization for such use and must maintain a copy on file at the agency.
- To assist a law enforcement agency with traffic management; however, a law enforcement agency may not issue a traffic infraction citation based on images or video captured by a drone.
- To facilitate a law enforcement agency's collection of evidence at a crime scene or traffic crash scene.

If a law enforcement agency violates any of the restrictions on the use of drones as provided under the Act:

- A person may initiate a civil action against the law enforcement agency to obtain all appropriate relief to prevent or remedy such a violation.<sup>23</sup>
- Any evidence obtained or collected in violation of the Act is not admissible as evidence in a criminal prosecution.<sup>24</sup>

### **Security of Elected Officials**

[Section 943.68, F.S.](#), requires the Florida Department of Law Enforcement (FDLE) to provide security and transportation services for specified persons including:

- The Governor and his or her immediate family;
- Visiting governors and their families, upon request by the Governor;
- Other persons, upon request by the Governor, Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Florida Supreme Court, provided that the government official requesting the provision of security or transportation services certifies<sup>25</sup> that such services are in the best interest of the state and only if:
  - Such persons are visiting the state and the primary purpose of such visit is for a significant public purpose; or
  - The failure to provide security or transportation services could result in a clear and present danger to the personal safety of such persons or to the safety of other persons or property within the state or could result in public embarrassment to the state.

FDLE may request the assistance of, and coordinate with, other law enforcement agencies to provide transportation and protective services to government officials and other specified persons.<sup>26</sup> FDLE must coordinate with the United States Department of State and the United States Secret Service upon request of those agencies, or by the Governor or a member of the Cabinet.<sup>27</sup>

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<sup>23</sup> [S. 934.50\(5\)\(a\), F.S.](#)

<sup>24</sup> [S. 934.50\(6\), F.S.](#)

<sup>25</sup> Certification authority may be delegated to the executive director of FDLE. [S. 943.68, F.S.](#)

<sup>26</sup> [S. 943.68\(7\), F.S.](#)

<sup>27</sup> [S. 943.68\(8\), F.S.](#)

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Criminal Justice Subcommittee</a>	17 Y, 0 N, As CS	3/19/2025	Hall	Padgett

THE CHANGES ADOPTED BY THE COMMITTEE:

- Revised the definition of “critical infrastructure facility” to include a wired communications facility.
- Authorized a person to operate a drone over a critical infrastructure facility if the operation is for a commercial purpose and complies with FAA regulations.
- Revised offenses relating to altering or tampering with a drone’s remote identification system or possessing or operating such a drone to include a reference to FAA requirements.
- Specified that it is not a crime for a person to alter or tamper with a drone’s remote identification system or to possess or operate such a drone if a person is authorized to do so by specified persons.
- Provided a criminal penalty if a person unlawfully uses a drone to conduct surveillance on private property and provided an enhanced penalty if a person distributes the surveillance that was unlawfully obtained.

[Judiciary Committee](#)

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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