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2025 Legislature

1
2 An act relating to unmanned aircraft and unmanned
3 aircraft systems; amending s. 330.41, F.S.; revising
4 the definition of the term "critical infrastructure
5 facility"; providing an exception to the prohibition
6 on operating a drone over a critical infrastructure
7 facility; increasing the criminal penalty for certain
8 prohibited actions relating to drones; amending s.
9 330.411, F.S.; defining the terms "unmanned aircraft"
10 and "unmanned aircraft system"; prohibiting certain
11 actions relating to unmanned aircraft or unmanned
12 aircraft systems; providing an exception; providing
13 criminal penalties; amending s. 934.50, F.S.; revising
14 and providing exceptions to certain prohibited actions
15 relating to drones; providing criminal penalties;
16 providing applicability; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (a) of subsection (2) and paragraphs
21 (a) and (b) of subsection (4) of section 330.41, Florida
22 Statutes, are amended to read:

23 330.41 Unmanned Aircraft Systems Act.—

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

25 (a) "Critical infrastructure facility" means any of the

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26 following, if completely enclosed by a fence or other physical
27 barrier that is obviously designed to exclude intruders, or if
28 clearly marked with a sign or signs which indicate that entry is
29 forbidden and which are posted on the property in a manner
30 reasonably likely to come to the attention of intruders:

- 31 1. A power generation or transmission facility,
32 substation, switching station, or electrical control center.
- 33 2. A chemical or rubber manufacturing or storage facility.
- 34 3. A water intake structure, water treatment facility,
35 wastewater treatment plant, or pump station.
- 36 4. A mining facility.
- 37 5. A natural gas or compressed gas compressor station,
38 storage facility, or natural gas or compressed gas pipeline.
- 39 6. A liquid natural gas or propane gas terminal or storage
40 facility.
- 41 7. Any portion of an aboveground oil or gas pipeline.
- 42 8. A refinery.
- 43 9. A gas processing plant, including a plant used in the
44 processing, treatment, or fractionation of natural gas.
- 45 10. A wireless or wired communications facility, including
46 the tower, antennas ~~antennae~~, support structures, and all
47 associated ground-based equipment.
- 48 11. A seaport as listed in s. 311.09(1), which need not be
49 completely enclosed by a fence or other physical barrier and
50 need not be marked with a sign or signs indicating that entry is

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forbidden.

12. 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.

13. An airport as defined in s. 330.27.

14. A spaceport territory as defined in s. 331.303(19).

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

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

17. A state correctional institution as defined in s. 944.02 or a contractor-operated correctional facility authorized under chapter 957.

18. A secure detention center or facility as defined in s. 985.03, 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).

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

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

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(a) A person may not knowingly or willfully:

1. Operate a drone over a critical infrastructure facility, unless the operation is for a commercial purpose and

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76 is authorized by and in compliance with Federal Aviation
77 Administration regulations;

78 2. Allow a drone to make contact with a critical
79 infrastructure facility, including any person or object on the
80 premises of or within the facility; or

81 3. Allow a drone to come within a distance of a critical
82 infrastructure facility that is close enough to interfere with
83 the operations of or cause a disturbance to the facility.

84 (b) A person who violates paragraph (a) commits a felony
85 of the third ~~misdemeanor of the second~~ degree, punishable as
86 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. ~~A person~~
87 ~~who commits a second or subsequent violation commits a~~
88 ~~misdemeanor of the first degree, punishable as provided in s.~~
89 ~~775.082 or s. 775.083.~~

90 Section 2. Section 330.411, Florida Statutes, is amended
91 to read:

92 330.411 Prohibited possession, alteration, or operation of
93 unmanned aircraft or unmanned aircraft system.—

94 (1) As used in this section, the term:

95 (a) "Unmanned aircraft" has the same meaning as the term
96 "drone" in s. 934.50(2).

97 (b) "Unmanned aircraft system" has the same meaning as in
98 s. 330.41(2).

99 (2) A person may not knowingly or willfully possess or
100 operate an unmanned aircraft or unmanned aircraft system ~~as~~

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defined in ~~s. 330.41~~ with an attached weapon, firearm,
explosive, destructive device, or ammunition as those terms are
defined in s. 790.001.

(3) (a) For the purposes of violating s. 330.41(4) (a), a
person may not knowingly or willfully:

1. Alter, manipulate, tamper with, or otherwise change an
unmanned aircraft 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 Federal Aviation Administration
as they relate to any unmanned aircraft or unmanned aircraft
system; or

2. Possess or operate 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 Federal Aviation
Administration as they relate to any unmanned aircraft or
unmanned aircraft system.

(b) This subsection does not apply if a person is
authorized by the administrator of the Federal Aviation
Administration or the Secretary of Defense, or their respective
designees, to alter, possess, or operate such an altered
unmanned aircraft or unmanned aircraft system.

(4) A person who violates subsection (2) or subsection (3)

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commits a felony of the third degree, punishable as provided in
s. 775.082, s. 775.083, or s. 775.084.

(5) A person who, without lawful authority, possesses or
operates an unmanned aircraft or unmanned aircraft system
carrying a weapon of mass destruction or a hoax weapon of mass
destruction, as those terms are defined in s. 790.166(1)(a) and
(b), respectively, commits a felony of the first degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Paragraph (d) of subsection (4) of section
934.50, Florida Statutes, is amended, paragraph (r) is added to
that subsection, and subsection (8) is added to that section, to
read:

934.50 Searches and seizure using a drone.—

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

(d) To provide a law enforcement agency with an aerial
perspective of a crowd of 50 people or more or to provide or
maintain the public safety of such crowd, provided that:

1. The law enforcement agency that uses the drone to
provide an aerial perspective of a crowd of 50 people or more
must have policies and procedures that include guidelines:

- a. For the agency's use of a drone.
- b. For the proper storage, retention, and release of any
images or video captured by the drone.
- c. That address the personal safety and constitutional

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151 | protections of the people being observed.

152 | 2. The head of the law enforcement agency using the drone
153 | for this purpose must provide written authorization for such use
154 | and must maintain a copy on file at the agency.

155 | (r) By a law enforcement agency in furtherance of
156 | providing and maintaining the security of an elected official
157 | pursuant to s. 943.68.

158 | (8) CRIMINAL PENALTIES.—

159 | (a) An individual who knowingly or willfully violates
160 | paragraph (3)(b) commits a misdemeanor of the first degree,
161 | punishable as provided in s. 775.082 or s. 775.083.

162 | (b) An individual who knowingly or willfully violates
163 | paragraph (3)(b) and intentionally distributes surveillance
164 | obtained in violation of that paragraph commits a felony of the
165 | third degree, punishable as provided in s. 775.082, s. 775.083,
166 | or s. 775.084.

167 |
168 | This subsection does not apply to a state agency, political
169 | subdivision, or law enforcement agency or to an officer,
170 | employee, or agent of such subdivision or agency who is acting
171 | in the course and scope of his or her employment.

172 | Section 4. This act shall take effect October 1, 2025.