

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 1422

INTRODUCER: Criminal Justice Committee and Senator Truenow

SUBJECT: Unmanned Aircraft or Unmanned Aircraft Systems

DATE: April 9, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
2. <u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3. _____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1422 amends three sections of law relating to drones. The bill amends 330.41, F.S., to increase the criminal penalties from a second degree misdemeanor¹ to a third degree felony² if a person knowingly or willfully:

- Operates a drone over a critical infrastructure facility;
- 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 operations of or cause a disturbance to the facility.

The bill adds a component to the definition of the term “communications facility” in s. 330.41(2)(a)10., F.S. to include “wired” communication facilities. The bill also permits a person to operate a drone over a critical infrastructure facility for a commercial purpose if the flight is authorized as required.

The bill amends s. 330.411, F.S., to specify it is a third degree felony for a person to knowingly or willfully:

- Possess or operate a weaponized drone;

¹ A second degree misdemeanor is punishable by up to 60 days in the county jail and a \$500 fine. ss. 775.02 and 775.083, F.S.

² A third degree felony is punishable by up to 5 year imprisonment and a \$5,000 fine. ss. 775.02 and 775.083, F.S.

- Alter, manipulate, tamper with, or otherwise change an unmanned aircraft or unmanned aircraft system's hardware or software for certain purposes; or
- Possess or operate such an altered unmanned aircraft or unmanned aircraft system.

A person who possesses or operates a drone that carries a weapon of mass destruction, a hoax weapon of mass destruction, a biological agent, or a toxin, commits a first degree felony.³

The bill creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy. Additionally, the bill makes it a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes surveillance.

The bill amends s. 934.50(3), F.S., to provide that a person who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance, if the drone is operating under 500 ft. over the property.

Additionally, a law enforcement agency may use a drone to provide or maintain the public safety of a crowd of 50 people or more, and in furtherance of providing and maintaining the security of an elected official.

The bill may have a positive insignificant impact on state prison beds (an increase of 10 or fewer beds). See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

II. Present Situation:

A drone, also called Unmanned Aerial Vehicle (UAV) and Unmanned Aerial System (UAS), is defined in s. 934.50, F.S., as 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.⁴

Small drones are regulated by the Federal Aviation Authority (FAA) and federal regulations such as in 14 CFR 107.51(b)(2) which contain the following operating limitations for small drones:

- The minimum flight visibility, as observed from the location of the control station must be no less than 3 statute miles.
- The minimum distance of the small unmanned aircraft from clouds must be no less than 500 feet below the cloud and 2,000 feet horizontally from the cloud.
- The groundspeed of the small unmanned aircraft may not exceed 87 knots (100 miles per hour).

³ A first degree felony is punishable by up to 30 years to life imprisonment and a \$15,000 fine. ss. 775.02 and 775.083, F.S.

⁴ Section 934.50(2), F.S.

- The altitude of the small unmanned aircraft cannot be higher than 400 feet above ground level, unless the small unmanned aircraft:
 - Is flown within a 400-foot radius of a structure; and
 - Does not fly higher than 400 feet above the structure's immediate uppermost limit.⁵

The FAA has recently adopted a rule for drone operators relating to remote identification which is the capability of an unmanned aircraft in flight to provide certain identification, location, and performance information that people on the ground and other airspace users can receive.⁶

The FAA expects this rule will result in several important benefits and enhancements to support safety and security in the airspace of the United States. Remote identification provides information that helps address existing challenges faced by the FAA, law enforcement entities, and national security agencies responsible for the safety and security of the airspace of the United States. As unmanned aircraft operations increase, so does the risk of unmanned aircraft being operated in close proximity to manned aircraft, or people and property on the ground, or in airspace unsuitable for these operations.

Remote identification provides a means to identify these aircraft and locate the person who controls them (e.g., operators, pilots in command). It allows the FAA, law enforcement, and national security agencies to distinguish compliant airspace users from those potentially posing a safety or security risk. It permits the FAA and law enforcement to conduct oversight of persons operating UAS and to determine whether compliance actions, enforcement, educational, training, or other types of actions are needed to mitigate safety or security risks and foster increased compliance with regulations. Remote identification data also informs the public and users of the airspace of the United States of the local operations that are being conducted at any given moment.⁷

Drones and Surveillance

The Freedom from Unwanted Surveillance Act is found in s. 934.50, F.S. The Act provides citizens' privacy from non-law enforcement and law enforcement drone information-seeking surveillance over private property.⁸

Section 934.50, F.S., prohibits a state agency, political subdivision,⁹ or non-law enforcement person from using a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy without his or her written consent.¹⁰ For purposes of this section, surveillance means:

⁵ 14 CFR Part 107, (last visited March 11, 2025).

⁶ Federal Register, Department of Transportation, Vol. 86, No. 10 (January 15, 2021), Rules and Regulations 4405 14 CFR Parts 1, 11, 47, 48, 89, 91, and 107. (last visited March 18, 2025).

⁷ *Id.*

⁸ Section 934.50(3)(a), F.S.

⁹ "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.

¹⁰ Section 934.50(3)(b), F.S.

- 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.¹¹

Section 934.50(4)(a)-(q), F.S., provides exceptions for law enforcement, government agency, and commercial uses for drones.¹² A few of these other authorized uses for drones in s. 934.50, F.S. include:

- To counter a high risk of a terrorist attack;¹³
- To provide a law enforcement agency with an aerial perspective of a crowd of 50 people or more under certain circumstances;¹⁴
- For the assessment of damage due to a flood, wildfire, or any other natural disaster that is the subject of a state of emergency declared by the state or by a political subdivision, before the expiration of the emergency declaration;¹⁵
- To capture images by or for an electric, water, or natural gas utility under certain circumstances;¹⁶ and
- By an employee of the Fish and Wildlife Conservation Commission or of the Florida Forest Service for the purposes of managing and eradicating invasive exotic plants or animals on public lands and suppressing and mitigating wildfire threats.¹⁷

There are no criminal penalties associated with this section, however civil remedies are specifically provided in s. 934.50(5), F.S. Also, evidence obtained or collected in violation of this act is not admissible as evidence in a criminal prosecution in any court of law in this state.¹⁸

Protecting Critical Infrastructure and Schools from Unwelcome Drone Encroachment

The Unmanned Aircraft Systems Act defines an “unmanned aircraft system” as 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.¹⁹ The focus of the act is the safety of critical infrastructure,²⁰ protection of schools,²¹ drone delivery services,²² and drone ports.²³

“Critical infrastructure facility” is defined in s. 330.41(2)(a)1.-20, F.S., to include, in part:

¹¹ Section 934.50(2)(e), F.S.

¹² Section 934.50(4)(a), F.S.

¹³ Section 934.50(4)(a), F.S.

¹⁴ Section 934.50(4)(d), F.S.

¹⁵ Section 934.50(4)(g)1., F.S.

¹⁶ Section 934.50(4)(k), F.S.

¹⁷ Section 934.50(4)(p), F.S.

¹⁸ Section 934.50(6), F.S.

¹⁹ Section 330.41(2)(e), F.S.

²⁰ Section 330.41(2)(a)1.-20., F.S.

²¹ Section 330.41(5), F.S.

²² Section 330.41(2)(c), F.S.

²³ Section 330.41(2)(d), F.S.

- A power generation or transmission facility, substation, switching station, or electrical control center;
- Any portion of an aboveground oil or gas pipeline;
- A state correctional institution as defined in s. 944.02, F.S., or a contractor-operated correctional facility authorized under ch. 957, F.S.; and
- A county detention facility as defined in s. 951.23, F.S.²⁴

It is a second degree misdemeanor²⁵ for a first offense and a first degree misdemeanor²⁶ for a second offense if a person knowingly or willfully:

- Operates a drone over a critical infrastructure facility;
- Allows a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allows 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.²⁷

Additionally, a person may not knowingly or willfully:

- Operate a drone over a public or private school serving students in any grade from voluntary prekindergarten through grade 12; or
- Allow a drone to make contact with a school, including any person or object on the premises of or within the school facility.²⁸

A person who commits either of the offenses listed above commits a misdemeanor of the second degree. A second or subsequent violation is a first degree misdemeanor offense. However, if a person commits either of the two offenses above and records video of the school, including any person or object on the premises of or within the school facility, it is a misdemeanor of the first degree, and a second or subsequent offense is a felony of the third degree.²⁹

Armed Drones

Section 330.411, F.S. prohibits a person from possessing or operating an unmanned aircraft or unmanned aircraft system as defined in s. 330.41, F.S.,³⁰ with an attached weapon, firearm, explosive, destructive device, or ammunition as defined in s. 790.001, F.S. The terms mean:

- “Ammunition” means an object consisting of a fixed metallic or nonmetallic hull or casing containing a primer; one or more projectiles, one or more bullets, or shot; and gunpowder.³¹
- “Destructive device” means any bomb, grenade, mine, rocket, missile, pipebomb, 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

²⁴ Section 330.41(4)(a), F.S.

²⁵ A second degree misdemeanor is punishable by up to 60 days in the county jail and \$500 fine. ss. 775.082 and 775.083, F.S.

²⁶ A first degree misdemeanor is punishable by up to one year in the county jail and a \$1,000 fine. ss. 775.082 and 775.083, F.S.

²⁷ Section 330.41(a), F.S.

²⁸ Section 330.41(5), F.S.

²⁹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. ss. 775.082 and 775.083, F.S.

³⁰ Section 330.411, F.S.

³¹ Sections 790.001 (1), (6), (8), (9), and (20), F.S.

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 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. “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.³²

- “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 ch. 552, F.S., or by any rules adopted 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.³³
- “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.³⁴
- “Weapon” means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.³⁵

Section 330.411, F.S., contains no criminal penalties attached to a person’s prohibited possession of an armed drone.

III. Effect of Proposed Changes:

The bill amends the criminal penalties in s. 330.41(4), F.S., by increasing the second degree misdemeanor penalty to a third degree felony for a person to knowingly and willfully:

- Operate a drone over a critical infrastructure facility;
- Allow a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or

³² Section 790.001(6), F.S.

³³ Section 790.001(8), F.S.

³⁴ Section 790.001(9), F.S.

³⁵ Section 790.001(20), F.S.

- Allow 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.³⁶

The bill adds a component to the definition of the term “communications facility” in s. 330.41(2)(a)10., F.S., to include “wired” communication facilities. The bill amends s. 330.41(4)(a)1., F.S., to provide that a person can operate a drone over a critical infrastructure facility if the operation is for a commercial purpose and is authorized by and in compliance with the FFA regulations.

The bill amends s. 330.411, F.S., to specify it is a third degree felony when a person knowingly or willfully possesses or operates a drone with an attached firearm, explosive, destructive device, or ammunition as defined in s. 790.001, F.S.

The bill creates two new third degree felony offenses related to the FFA remote identification requirements. A person is prohibited from knowingly or willfully altering, manipulating, tampering with, or otherwise changing an unmanned aircraft or unmanned aircraft system’s hardware or software to purposely 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 system, in violation of s. 330.41(4)(a), F.S., unless authorized.³⁷

A person is also prohibited from knowingly or willfully possessing or operating such an altered, manipulated, tampered with, or otherwise changed to purposely 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 system, and violating s. 330.41(4)(a), F.S., unless authorized.³⁸

Additionally, the bill provides that a person who, without lawful authority, possesses or operates an unmanned aircraft system carrying a weapon of mass destruction, a hoax weapon of mass destruction, a biological agent, or a toxin, as those terms are defined in s. 790.166(1), F.S., commits a first degree felony.

The bill amends s. 934.50(4)(d), F.S., providing that law enforcement is not prohibited from using a drone to provide or maintain the public safety of a crowd of 50 people or more.

The bill also amends s. 934.50(4), F.S., to provide that a law enforcement agency may use a drone in furtherance of providing and maintaining the security of an elected official.³⁹

The bill creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such

³⁶ Section 330.41(4)(a)1.-3, F.S.

³⁷ The bill specifies that authority can come from the administrator of the FAA or the Secretary of Defense or their respective designees.

³⁸ *Id.*

³⁹ See Section 943.68, F.S., for a description of security or transportation provided by the Florida Department of Law Enforcement to the Governor and others.

person's reasonable expectation of privacy. The bill also creates a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes the surveillance.

Finally, the bill amends s. 934.50(3), F.S., to provide that a person who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance there, if the drone is operating under 500 ft. over the property.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has provided a preliminary estimate that the bill may have a positive insignificant prison bed impact (an increase of 10 or fewer beds) on

the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- Per the FDLE, there were no arrests, nor were there guilty/convicted charges or adjudication withheld charges under s. 330.41, F.S. or 330.411, F.S. Though it is not known what kind of offender pool exists under the other newly created felonies, the lack of misdemeanor offender data and the majority of the new felonies being Level 1, third degree felonies indicate an insignificant impact on prison beds.
- Per the DOC, in FY 23-24, the incarceration rate for a Level 1, third degree felony was 9.7 percent. The incarceration rate for a Level 7, 1st degree felony was 68.4 percent.⁴⁰

VI. Technical Deficiencies:

The provision in s. 934.50, F.S., permitting a person who has a reasonable expectation of privacy on his or her private property to use reasonable force to prohibit a drone from conducting surveillance, if the drone is operating *under 500 ft. over the property*. This appears to conflict with a small drone's altitude limitations. The altitude of the small unmanned aircraft *cannot be higher than 400 feet above ground level*.⁴¹

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 330.41, 330.411 and 934.50.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on March 18, 2025: The CS:

- Adds a component to the definition of the term “communications facility” in s. 330.41(2)(a)10., F.S. to include “wired” communication facilities.
- Permits a person to operate a drone over a critical infrastructure facility for a commercial purpose if the flight is authorized as required.
- Specifies in s. 330.411, F.S., that it is a third degree felony for a person to knowingly or willfully possess or operate a weaponized drone.
- Creates a third degree felony in s. 330.411, F.S., if a person knowingly or willfully tampers with or alters a drone in violation of s. 330.41(4)(a), F.S., to purposefully frustrate technology intended to satisfy the Federal Aviation Administration remote identification system;

⁴⁰ Office of Economic and Demographic Research, SB 1422 – Unmanned Aircraft and Unmanned Aircraft Systems, (on file with the Senate Appropriations Committee on Criminal and Civil Justice).

⁴¹ 14 CFR Part 107, (last visited March 11, 2025).

- Creates a third degree felony in s. 330.411, F.S., if a person possesses or operates such an altered unmanned aircraft or unmanned aircraft system in violation of s. 330.41(4)(a), F.S.
- Permits a person, in s. 934.50(3), who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance there, if the drone is operating under 500 ft. over the property.
- Creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy.
- Makes it a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes surveillance.

B. Amendments:

None.