

By the Committee on Criminal Justice; and Senator Truenow

591-02559-25

20251422c1

A bill to be entitled
An act relating to unmanned aircraft or unmanned
aircraft systems; amending s. 330.41, F.S.; revising
the definition of the term "critical infrastructure
facility"; providing an exception to the prohibition
on operating a drone over a critical infrastructure
facility; increasing the criminal penalty for certain
prohibited actions relating to drones; amending s.
330.411, F.S.; prohibiting certain actions relating to
unmanned aircraft or unmanned aircraft systems;
providing exceptions; providing criminal penalties;
amending s. 934.50, F.S.; authorizing certain persons
to use reasonable force to prohibit a drone from
conducting surveillance under certain circumstances;
revising and providing exceptions to certain
prohibited actions relating to drones; providing
criminal penalties; providing applicability; providing
an effective date.

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

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

330.41 Unmanned Aircraft Systems Act.—

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

(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

591-02559-25

20251422c1

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:

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

2. A chemical or rubber manufacturing or storage facility.

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

4. A mining facility.

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

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

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

8. A refinery.

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

10. A wireless or wired communications facility, including the tower, antennas ~~antennae~~, support structures, and all associated ground-based equipment.

11. A seaport as listed in s. 311.09(1), 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.

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).

591-02559-25

20251422c1

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

2. 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

3. 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.

(b) A person who violates paragraph (a) commits a felony of the third ~~misdemeanor of the second~~ degree, punishable as

591-02559-25

20251422c1

provided in s. 775.082 or s. 775.083. ~~A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

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

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

(1) A person may not knowingly or willfully possess or operate an unmanned aircraft or unmanned aircraft system as defined in s. 330.41(2) ~~s. 330.41~~ with an attached weapon, firearm, explosive, destructive device, or ammunition as defined in s. 790.001.

(2) A person may not knowingly or willfully 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 systems in violation of s. 330.41(4)(a), unless authorized by the administrator of the Federal Aviation Administration or the Secretary of Defense, or their respective designees.

(3) A person may not knowingly or willfully 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

591-02559-25

20251422c1

as they relate to any unmanned aircraft or unmanned aircraft systems in violation of s. 330.41(4)(a), unless authorized by the administrator of the Federal Aviation Administration or the Secretary of Defense, or their respective designees.

(4) A person who violates subsection (1), subsection (2), or subsection (3) 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 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), commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

934.50 Searches and seizure using a drone.—

(3) PROHIBITED USE OF DRONES.—

(b)1. A person, a state agency, or a political subdivision as defined in s. 11.45 may not use 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 captured in the image in violation of such person's reasonable expectation of privacy without his or her written consent. For purposes of this section, a person is presumed to have a reasonable expectation of privacy on his or her privately owned real property if he or she is not observable

591-02559-25

20251422c1

by persons located at ground level in a place where they have a legal right to be, regardless of whether he or she is observable from the air with the use of a drone.

2. A person who has a reasonable expectation of privacy on his or her privately owned real property may use reasonable force to prohibit a drone from conducting surveillance in violation of this paragraph, if such drone is operating under 500 feet over such property.

(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 protections of the people being observed.

2. 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.

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

(8) CRIMINAL PENALTIES.—

(a) An individual who knowingly or willfully violates

591-02559-25

20251422c1

175 paragraph (3)(b) commits a misdemeanor of the first degree,
176 punishable as provided in s. 775.082 or s. 775.083.

177 (b) An individual who knowingly or willfully violates
178 paragraph (3)(b) and intentionally distributes surveillance
179 obtained in violation of that paragraph commits a felony of the
180 third degree, punishable as provided in s. 775.082, s. 775.083,
181 or s. 775.084.

182
183 This subsection does not apply to a state agency, a political
184 subdivision, a law enforcement agency, or its officers,
185 employees, or agents.

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