

By Senator Negrón

32-00026A-13

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1 A bill to be entitled
2 An act relating to searches and seizures; creating the
3 "Freedom from Unwarranted Surveillance Act"; defining
4 the terms "drone" and "law enforcement agency";
5 prohibiting a law enforcement agency from using a
6 drone to gather evidence or other information;
7 providing an exception; authorizing an aggrieved party
8 to initiate a civil action in order to prevent or
9 remedy a violation of the act; prohibiting a law
10 enforcement agency from using in any court of law in
11 this state evidence obtained or collected in violation
12 of the act; providing an effective date.

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

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16 Section 1. Searches and seizure using a drone.—

17 (1) SHORT TITLE.—This act may be cited as the "Freedom from
18 Unwarranted Surveillance Act."

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

20 (a) "Drone" means a powered, aerial vehicle that:

21 1. Does not carry a human operator;

22 2. Uses aerodynamic forces to provide vehicle lift;

23 3. Can fly autonomously or be piloted remotely;

24 4. Can be expendable or recoverable; and

25 5. Can carry a lethal or nonlethal payload.

26 (b) "Law enforcement agency" means a lawfully established
27 state or local public agency that is responsible for the
28 prevention and detection of crime and the enforcement of penal,
29 traffic, regulatory, game, or controlled substance laws.

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30 (3) PROHIBITED USE OF DRONES.—A law enforcement agency may
31 not use a drone to gather evidence or other information.

32 (4) EXCEPTIONS.—This act does not prohibit the use of a
33 drone to counter a high risk of a terrorist attack by a specific
34 individual or organization if the United States Secretary of
35 Homeland Security determines that credible intelligence
36 indicates that there is such a risk.

37 (5) REMEDIES FOR VIOLATION.—An aggrieved party may initiate
38 a civil action against a law enforcement agency to obtain all
39 appropriate relief in order to prevent or remedy a violation of
40 this act.

41 (6) PROHIBITION ON USE OF EVIDENCE.—Evidence obtained or
42 collected in violation of this act is not admissible as evidence
43 in a criminal prosecution in any court of law in this state.

44 Section 2. This act shall take effect July 1, 2013.