

By the Committees on Judiciary; and Criminal Justice; and
Senators Negrón, Brandes, Evers, and Bradley

590-02273-13

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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 exceptions; 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, local government code
29 enforcement, and the enforcement of penal, traffic, regulatory,

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30 game, or controlled substance laws.

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

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

35 (a) To counter a high risk of a terrorist attack by a
36 specific individual or organization if the United States
37 Secretary of Homeland Security determines that credible
38 intelligence indicates that there is such a risk.

39 (b) If the law enforcement agency first obtains a search
40 warrant signed by a judge authorizing the use of a drone.

41 (c) If the law enforcement agency possesses reasonable
42 suspicion that, under particular circumstances, swift action is
43 needed to prevent imminent danger to life or serious damage to
44 property, to forestall the imminent escape of a suspect or the
45 destruction of evidence, or to achieve purposes including, but
46 not limited to, facilitating the search for a missing person.

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

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

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