

1                                   A bill to be entitled  
 2           An act relating to unmanned aircraft; creating s.  
 3           330.41, F.S.; providing a short title; providing  
 4           definitions; providing that the authority to regulate  
 5           the ownership or operation of unmanned aircraft  
 6           systems is vested in the state; prohibiting a  
 7           political subdivision from enacting or enforcing  
 8           certain ordinances or resolutions relating to unmanned  
 9           aircraft systems; providing construction; requiring  
 10          persons seeking to restrict or limit the operation of  
 11          unmanned aircraft in close proximity to certain  
 12          infrastructure or facilities to apply to the Federal  
 13          Aviation Administration; prohibiting certain operation  
 14          of an unmanned aircraft in relation to certain  
 15          critical infrastructure facilities; providing  
 16          penalties; providing exceptions; amending s. 934.50,  
 17          F.S.; exempting a communications services provider and  
 18          its contractor from certain prohibitions against the  
 19          use of a drone; providing an effective date.

20  
 21   Be It Enacted by the Legislature of the State of Florida:

22  
 23           Section 1.   Section 330.41, Florida Statutes, is created to  
 24   read:  
 25           330.41 Unmanned Aircraft Systems Act.-

26           (1) SHORT TITLE.—This act may be cited as the "Unmanned  
 27 Aircraft Systems Act."

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

29           (a) "Critical infrastructure facility" means any of the  
 30 following, if completely enclosed by a fence or other physical  
 31 barrier that is obviously designed to exclude intruders, or if  
 32 clearly marked with a sign or signs which indicate that entry is  
 33 forbidden and which are posted on the property in a manner  
 34 reasonably likely to come to the attention of intruders:

35           1. An electrical power generation or transmission  
 36 facility, substation, switching station, or control center.

37           2. A natural gas compressor station, storage facility, or  
 38 pipeline.

39           3. A liquid natural gas terminal or storage facility.

40           4. Any portion of an aboveground oil or gas pipeline.

41           5. A wireless communications facility, including towers,  
 42 antennae, support structures, and all associated ground-based  
 43 equipment.

44           (b) "Person" means an individual, partnership,  
 45 corporation, association, governmental entity, or other legal  
 46 entity.

47           (c) "Unmanned aircraft" means a drone as defined in s.  
 48 934.50(2).

49           (d) "Unmanned aircraft system" means an unmanned aircraft  
 50 and associated elements, including communication links and the

51 components used to control the unmanned aircraft which are  
52 required for the pilot in command to operate the unmanned  
53 aircraft safely and efficiently.

54 (3) REGULATION.—

55 (a) The authority to regulate the ownership or operation  
56 of unmanned aircraft systems is vested in the state.

57 (b) Except as otherwise expressly provided in this  
58 section, a political subdivision may not enact or enforce an  
59 ordinance or resolution relating to the design, manufacture,  
60 testing, maintenance, licensing, registration, certification, or  
61 operation of an unmanned aircraft system, including airspace,  
62 altitude, flight paths, and equipment or technology  
63 requirements; purpose of operations; and pilot, operator, or  
64 observer qualifications, training, and certification.

65 (c) This section does not limit local government authority  
66 to enact or enforce local ordinances relating to nuisances,  
67 voyeurism, harassment, reckless endangerment, property damage,  
68 or other illegal acts arising from the use of unmanned aircraft  
69 systems if such ordinances are not specifically related to the  
70 use of an unmanned aircraft system for those illegal acts.

71 (d) This section shall be construed in accordance with  
72 standards described by federal statutes and regulations and  
73 Federal Aviation Administration guidance on unmanned aircraft  
74 systems.

75 (4) PROTECTION OF INFRASTRUCTURE AND FACILITIES.—

76 (a) A person seeking to restrict or limit the operation of  
77 unmanned aircraft in close proximity to infrastructure or  
78 facilities the person owns or operates must apply to the Federal  
79 Aviation Administration for such designation pursuant to section  
80 2209 of the FAA Extension, Safety, and Security Act of 2016.

81 (b) Notwithstanding paragraph (a), a person may not  
82 knowingly or willfully:

83 1. Operate an unmanned aircraft over a critical  
84 infrastructure facility;

85 2. Allow an unmanned aircraft to make contact with a  
86 critical infrastructure facility, including any person or object  
87 on the premises of or within the facility; or

88 3. Allow an unmanned aircraft to come within a distance of  
89 a critical infrastructure facility that is close enough to  
90 interfere with the operations of or cause a disturbance to the  
91 facility.

92  
93 A person who violates this paragraph commits a misdemeanor of  
94 the second degree, punishable as provided in s. 775.082 or s.  
95 775.083. A person who commits a second or subsequent violation  
96 commits a misdemeanor of the first degree, punishable as  
97 provided in s. 775.082 or s. 775.083.

98 (c) This section does not apply to actions described in  
99 paragraph (b) that are committed by:

100 1. A federal, state, or other governmental entity or a

101 person under contract with or otherwise acting under the  
102 direction of such entity.

103 2. A law enforcement agency that is in compliance with s.  
104 934.50 or a person under contract with or otherwise acting under  
105 the direction of such law enforcement agency.

106 3. An owner, operator, or occupant of the critical  
107 infrastructure facility or a person who has prior written  
108 consent of such owner, operator, or occupant.

109 Section 2. Paragraph (j) is added to subsection (4) of  
110 section 934.50, Florida Statutes, to read:

111 934.50 Searches and seizure using a drone.—

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

114 (j) By a communications services provider or its  
115 contractor for routing, siting, installation, maintenance, or  
116 inspection of facilities used to provide communications  
117 services.

118 Section 3. This act shall take effect July 1, 2017.

119