

Committee on Criminal Justice

CS/CS/SB 44 — Use of Drones by Government Agencies

by Rules Committee; Criminal Justice Committee; and Senator Wright

The bill provides additional exceptions in s. 934.50(4), F.S., for law enforcement agencies, fire departments, state agencies, and political subdivisions to use drones. The new exceptions allow law enforcement agencies to use drones to gain an aerial perspective of a crowd of 50 or more persons; assist with traffic management, except that the agency may not issue a traffic infraction based on images or video captured by a drone; and facilitate evidence collection at a crime scene or traffic crash scene.

The bill requires policies and procedures for law enforcement agencies that use a drone to gain an aerial perspective of a crowd of 50 or more people. The bill allows the use of a drone by a state agency or political subdivision for the assessment of damage due to a flood, a wildfire, or any other natural disaster that is the subject of a state of emergency declared by the state before the expiration of the emergency declaration, or by a political subdivision for vegetation and wildlife management purposes on publicly owned land or water. The bill also allows certified fire department personnel to use drones to perform tasks within the scope and practice authorized under their certification.

The bill also limits drone purchase, acquisition, or use by governmental agencies to drones manufactured by an approved manufacturer. Governmental agency is defined as any state, county, local, or municipal governmental entity or any unit of government created or established by law that uses a drone for any purpose. The bill requires the Department of Management Services, in consultation with the state chief information officer, to develop and publish a list of approved manufacturers by January 1, 2022. Upon publication of the list of approved manufacturers, a governmental agency may only purchase or acquire a drone from an approved manufacturer.

The department will adopt rules identifying the requirements of a comprehensive plan governmental agencies must follow for discontinuing the use of drones not produced by an approved manufacturer by July 1, 2022. By January 1, 2023, all governmental agencies must discontinue the use of drones not produced by an approved manufacturer. The department will establish by rule, consistent with federal guidance on drone security, minimum security requirements for data collected, transmitted, or stored by a governmental agency drone.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 88-24