# Committee on Transportation

## CS/CS/HB 645 — Unmanned Aircraft Systems Act

by Infrastructure Strategies Committee; Transportation and Modals Subcommittee; and Rep. Brackett and others (CS/CS/SB 908 by Military and Veterans Affairs, Space, and Domestic Security Committee; Transportation Committee; and Senator Rodriguez)

The bill amends Florida's Unmanned Aircraft Systems Act to add the following items to the state's definition of "critical infrastructure facility":

- A water intake structure, water treatment facility, wastewater treatment plant, or pump stations;
- A refinery;
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;
- A seaport listed in s. 311.09(1), F.S., which need not be completely enclosed by a fence or other physical barrier, or be marked with a sign or signs indicating that entry is forbidden;
- 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;
- An airport as defined in s. 330.27, F.S.;
- A spaceport territory as defined in s. 331.303(18), F.S.;
- A military installation as defined in 10 U.S.C. s. 2801(c)(4);
- An armory as defined in s. 250.01, F.S.; and
- A dam as defined in s. 373.403(1), F.S., or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waters.

The bill also modifies existing items under the definition, to include any liquid natural gas or propane gas terminal or storage facility, regardless of size, and any power generation or transmission facility, station, or electrical control center. Except for the specified deepwater ports, the revised and added structures and facilities must be completely enclosed by a fence or other physical barrier or be clearly marked with a sign or signs that indicate that entry is forbidden, which must be posted on the property in a manner reasonably likely to come to the attention of intruders.

Any person who knowingly and willfully operates a drone over the specified additional facilities and structures is subject to a definite term of imprisonment not exceeding 60 days, plus a possible additional $500 fine, except for those actions committed by the identified entities, agencies, or persons to which these provisions do not apply.

In addition, the bill removes the current provision mirroring federal law, requiring a person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities that the person or governmental entity owns or operates to apply to the Federal Aviation Administration (FAA) for the designation pursuant to s. 2209 of the FAA Extension, Safety, and Security Act of 2016.

The bill also strikes the provision making the definition of "critical infrastructure facility" inapplicable to a drone operating in transit for commercial purposes in compliance with FAA regulations, authorizations, or exemptions. Operation of these drones would be restricted as provided in state law unless the state law conflicts with a federal definition of what constitutes a "fixed-site facility" or with any other federal law, regulation, or authorization.

The bill provides that effective on the same date that CS/CS/SB 264 takes effect (that date being July 1, 2023) the definition of "critical infrastructure facility," if the facility employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized persons, will also include:
- A chemical manufacturing facility;
- An electrical power plant as defined in s. 403.031(20), F.S.;
- A liquid natural gas terminal;
- A telecommunications central switching office;
- A seaport list in s. 311.09, F.S.; and
- An airport as defined in s. 333.01, F.S.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except as otherwise provided.
*Vote:  Senate 36-0; House 114-0*

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CS/CS/HB 645                                                                 Page: 2