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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2015	.	
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The Committee on Appropriations (Hukill) recommended the following:

Senate Amendment (with title amendment)

Delete lines 55 - 105

and insert:

(e) "Surveillance" means:

1. With respect to an owner, tenant, occupant, invitee, or licensee of privately owned real property, the observation of such persons with sufficient visual clarity to be able to obtain information about their identity, habits, conduct, movements, or whereabouts; or



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11 2. With respect to privately owned real property, the
12 observation of such property's physical improvements with
13 sufficient visual clarity to be able to determine unique
14 identifying features or its occupancy by one or more persons.

15 (3) PROHIBITED USE OF DRONES.—

16 (a) A law enforcement agency may not use a drone to gather
17 evidence or other information.

18 (b) A person, a state agency, or a political subdivision as
19 defined in s. 11.45 may not use a drone equipped with an imaging
20 device to record an image of privately owned real property or of
21 the owner, tenant, occupant, invitee, or licensee of such
22 property with the intent to conduct surveillance on the
23 individual or property captured in the image in violation of
24 such person's reasonable expectation of privacy without his or
25 her written consent. For purposes of this section, a person is
26 presumed to have a reasonable expectation of privacy on his or
27 her privately owned real property if he or she is not observable
28 by persons located at ground level in a place where they have a
29 legal right to be, regardless of whether he or she is observable
30 from the air with the use of a drone. This paragraph is not
31 intended to limit or restrict the application of federal law to
32 the use of drones.

33 (4) EXCEPTIONS.—This section ~~act~~ does not prohibit the use
34 of a 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 (d) By a person or an entity engaged in a business or
48 profession licensed by the state, or by an agent, employee, or
49 contractor thereof, if the drone is used only to perform
50 reasonable tasks within the scope of practice or activities
51 permitted under such person's or entity's license. However, this
52 exception does not apply to a profession in which the licensee's
53 authorized scope of practice includes obtaining information
54 about the identity, habits, conduct, movements, whereabouts,
55 affiliations, associations, transactions, reputation, or
56 character of any society, person, or group of persons.

57 (e) By an employee or a contractor of a property appraiser
58 who uses a drone solely for the purpose of assessing property
59 for ad valorem taxation.

60 (f) To capture images by or for an electric, water, or
61 natural gas utility:

62 1. For operations and maintenance of utility facilities,
63 including facilities used in the generation, transmission, or
64 distribution of electricity, gas, or water, for the purpose of
65 maintaining utility system reliability and integrity;

66 2. For inspecting utility facilities, including pipelines,
67 to determine construction, repair, maintenance, or replacement
68 needs before, during, and after construction of such facilities;



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69 3. For assessing vegetation growth for the purpose of
70 maintaining clearances on utility rights-of-way;

71 4. For utility routing, siting, and permitting for the
72 purpose of constructing utility facilities or providing utility
73 service; or

74 5. For conducting environmental monitoring, as provided by
75 federal, state, or local law, rule, or permit.

76 (5) REMEDIES FOR VIOLATION.—

77 (a) An aggrieved party may initiate a civil action against
78 a law enforcement agency to obtain all appropriate relief in
79 order to prevent or remedy a violation of this section ~~act~~.

80 (b) The owner, tenant, occupant, invitee, or licensee of
81 privately owned real property may initiate a civil

82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete line 16

85 and insert:

86 assessing property for ad valorem taxation;
87 authorizing the use of a drone by or on behalf of
88 certain utilities for specified purposes; providing