

By the Committee on Criminal Justice; and Senator Young

591-02666-17

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1 A bill to be entitled
2 An act relating to drones; creating s. 330.41, F.S.;
3 providing a short title; defining terms; providing
4 that, except as provided in federal regulations,
5 authorizations, or exemptions, the authority to
6 regulate the operation of unmanned aircraft systems is
7 vested in the state; prohibiting a political
8 subdivision from enacting or enforcing certain
9 ordinances or resolutions relating to unmanned
10 aircraft systems; providing that the authority of
11 local government to enact or enforce local ordinances
12 relating to nuisances, voyeurism, harassment, reckless
13 endangerment, property damage, or other illegal acts
14 arising from the use of unmanned aircraft systems is
15 not limited, subject to certain requirements;
16 requiring persons seeking to restrict or limit the
17 operation of drones in close proximity to certain
18 infrastructure or facilities to apply to the Federal
19 Aviation Administration; prohibiting a person from
20 knowingly and willfully operating a drone over or
21 allowing a drone to make contact with or come within a
22 certain distance of certain critical infrastructure
23 facilities; providing that such a violation is a
24 misdemeanor punishable under specified provisions of
25 ch. 775; providing an exemption from specified
26 prohibited acts; providing construction; amending s.
27 934.50, F.S.; providing that the use of a drone by a
28 communications service provider or contractor is not
29 prohibited under certain provisions of ch. 934;

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30 providing an effective date.

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32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. Section 330.41, Florida Statutes, is created to
35 read:

36 330.41 Unmanned Aircraft Systems Act.-

37 (1) SHORT TITLE.-This act may be cited as the "Unmanned
38 Aircraft Systems Act."

39 (2) DEFINITIONS.-As used in this act, the term:

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

46 1. An electrical power generation or transmission facility,
47 substation, switching station, or electrical control center.

48 2. A natural gas compressor station, storage facility, or
49 natural gas pipeline.

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

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

52 5. A wireless communications facility, including tower,
53 antennae, support structures, and all associated ground-based
54 equipment.

55 (b) "Drone" has the same meaning as s. 934.50(2).

56 (c) "Unmanned aircraft system" means a drone and its
57 associated elements, including communication links and the
58 components used to control the drone which are required for the

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59 pilot in command to operate the drone safely and efficiently.

60 (3) REGULATION.—

61 (a) The authority to regulate the operation of unmanned
62 aircraft systems is vested in the state except as provided in
63 federal regulations, authorizations, or exemptions.

64 (b) Except as otherwise expressly provided, a political
65 subdivision may not enact or enforce an ordinance or resolution
66 relating to the design, manufacture, testing, maintenance,
67 licensing, registration, certification, or operation of an
68 unmanned aircraft system, including airspace, altitude, flight
69 paths, equipment or technology requirements; the purpose of
70 operations; and pilot, operator, or observer qualifications,
71 training, and certification.

72 (c) This subsection does not limit the authority of a local
73 government to enact or enforce local ordinances relating to
74 nuisances, voyeurism, harassment, reckless endangerment,
75 property damage, or other illegal acts arising from the use of
76 unmanned aircraft systems if such laws or ordinances are not
77 specifically related to the use of an unmanned aircraft system
78 for those illegal acts.

79 (d) A person or governmental entity seeking to restrict or
80 limit the operation of drones in close proximity to
81 infrastructure or facilities that the person or governmental
82 entity owns or operates must apply to the Federal Aviation
83 Administration for such designation pursuant to section 2209 of
84 the FAA Extension, Safety, and Security Act of 2016.

85 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

86 (a) A person may not knowingly or willfully:

87 1. Operate a drone over a critical infrastructure facility;

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88 2. Allow a drone to make contact with a critical
89 infrastructure facility, including any person or object on the
90 premises of or within the facility; or

91 3. Allow a drone to come within a distance of a critical
92 infrastructure facility that is close enough to interfere with
93 the operations of or cause a disturbance to the facility.

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

99 (c) This subsection does not apply to actions identified in
100 paragraph (a) which are committed by:

101 1. A federal, state, or other governmental entity, or a
102 person under contract or otherwise acting under the direction of
103 a federal, state, or other governmental entity.

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

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

110 (d) Subparagraph (a)1. does not apply to a drone operating
111 in transit for commercial purposes in compliance with Federal
112 Aviation Administration regulations, authorizations, or
113 exemptions.

114 (5) CONSTRUCTION.-This section shall be construed in
115 accordance with standards imposed by federal statutes,
116 regulations, and Federal Aviation Administration guidance on

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117 unmanned aircraft systems.

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

120 934.50 Searches and seizure using a drone.—

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

123 (j) By a communications service provider or a contractor
124 for a communications service provider for routing, siting,
125 installation, maintenance, or inspection of facilities used to
126 provide communications services.

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