

By Senator Young

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1                   A bill to be entitled  
2       An act relating to drones; amending s. 330.41, F.S.;  
3       defining the term "fixed-site facility"; prohibiting a  
4       person from knowingly or willingly operating a drone  
5       over, allowing a drone to make contact with, allowing  
6       a drone to come within a certain distance of, or using  
7       a drone to introduce contraband into or within the  
8       secure perimeter of a fixed-site facility; providing  
9       criminal penalties; amending s. 934.50, F.S.;  
10      authorizing the use of a drone if a law enforcement  
11      agency possesses reasonable suspicion that, under  
12      particular circumstances, swift action is needed to  
13      facilitate the collection of evidence at a crime scene  
14      or traffic crash scene; providing an effective date.

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

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18       Section 1. Subsections (2) and (4) of section 330.41,  
19 Florida Statutes, are amended to read:

20       330.41 Unmanned Aircraft Systems Act.—

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

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

28       1. An electrical power generation or transmission facility,  
29 substation, switching station, or electrical control center.

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30 2. A chemical or rubber manufacturing or storage facility.

31 3. A mining facility.

32 4. A natural gas or compressed gas compressor station,  
33 storage facility, or natural gas or compressed gas pipeline.

34 5. A liquid natural gas or propane gas terminal or storage  
35 facility with a capacity of 4,000 gallons or more.

36 6. Any portion of an aboveground oil or gas pipeline.

37 7. A wireless communications facility, including the tower,  
38 antennae, support structures, and all associated ground-based  
39 equipment.

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

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

47 1. A state correctional institution as defined in s.  
48 944.02.

49 2. A secure detention center or facility, a high-risk  
50 residential facility, or a maximum-risk residential facility as  
51 defined in s. 985.03.

52 3. A county detention facility as defined in s. 951.23.

53 (d)~~(e)~~ "Unmanned aircraft system" means a drone and its  
54 associated elements, including communication links and the  
55 components used to control the drone which are required for the  
56 pilot in command to operate the drone safely and efficiently.

57 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

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59 1. Operate a drone over a critical infrastructure facility  
60 or fixed-site facility;

61 2. Allow a drone to make contact with a critical  
62 infrastructure facility or fixed-site facility, including any  
63 person or object on the premises of or within the facility; ~~or~~

64 3. Allow a drone to come within a distance of a critical  
65 infrastructure facility or fixed-site facility which ~~that~~ is  
66 close enough to interfere with the operations of or cause a  
67 disturbance to the facility; or.

68 4. Use a drone to introduce contraband as defined in s.  
69 944.47, s. 985.711, or s. 951.22 into a fixed-site facility, or  
70 upon the grounds of or within the secured perimeter of the  
71 fixed-site facility.

72 (b) A person who violates subparagraph (a)1., subparagraph  
73 (a)2., or subparagraph (a)3. ~~paragraph (a)~~ commits a misdemeanor  
74 of the second degree, punishable as provided in s. 775.082 or s.  
75 775.083. A person who commits a second or subsequent violation  
76 of subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3.  
77 commits a misdemeanor of the first degree, punishable as  
78 provided in s. 775.082 or s. 775.083. A person who violates  
79 subparagraph (a)4. commits a felony of the second degree,  
80 punishable as provided in s. 775.082 or s. 775.083.

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

83 1. A federal, state, or other governmental entity, or a  
84 person under contract or otherwise acting under the direction of  
85 a federal, state, or other governmental entity.

86 2. A law enforcement agency that is in compliance with s.  
87 934.50, or a person under contract with or otherwise acting

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88 under the direction of such law enforcement agency.

89 3. An owner, operator, or occupant of the critical  
90 infrastructure facility, or a person who has prior written  
91 consent of such owner, operator, or occupant.

92 (d) Subparagraph (a)1. does not apply to a drone operating  
93 in transit for commercial purposes in compliance with Federal  
94 Aviation Administration regulations, authorizations, or  
95 exemptions.

96 (e) This subsection shall sunset 60 days after the date  
97 that a process pursuant to s. 2209 of the FAA Extension, Safety  
98 and Security Act of 2016 becomes effective.

99 Section 2. Paragraph (c) of subsection (4) of section  
100 934.50, Florida Statutes, is amended to read:

101 934.50 Searches and seizure using a drone.-

102 (4) EXCEPTIONS.-This section does not prohibit the use of a  
103 drone:

104 (c) If the law enforcement agency possesses reasonable  
105 suspicion that, under particular circumstances, swift action is  
106 needed to prevent imminent danger to life or serious damage to  
107 property;~~;~~ to forestall the imminent escape of a suspect or the  
108 destruction of evidence; to facilitate the collection of  
109 evidence at a crime scene or traffic crash scene;~~;~~ or to achieve  
110 purposes including, but not limited to, facilitating the search  
111 for a missing person.

112 Section 3. This act shall take effect October 1, 2018.