

By the Committee on Criminal Justice; and Senator Wright

591-01264-21

202144c1

1 A bill to be entitled
2 An act relating to drones; amending s. 934.50, F.S.;
3 expanding the authorized uses of drones by law
4 enforcement agencies, by a state agency or political
5 subdivision, or by certified fire department personnel
6 for specified purposes; reenacting s. 330.41(4)(c),
7 F.S., relating to unmanned aircraft systems, to
8 incorporate the amendment made to s. 934.50, F.S., in
9 a reference thereto; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Present paragraphs (d) through (k) of subsection
14 (4) of section 934.50, Florida Statutes, are redesignated as
15 paragraphs (h) through (o), respectively, new paragraphs (d)
16 through (g) are added to that subsection, and subsection (3) of
17 that section is amended, to read:

18 934.50 Searches and seizure using a drone.—

19 (3) PROHIBITED USE OF DRONES.—Except as provided in
20 subsection (4):

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

23 (b) A person, a state agency, or a political subdivision as
24 defined in s. 11.45 may not use a drone equipped with an imaging
25 device to record an image of privately owned real property or of
26 the owner, tenant, occupant, invitee, or licensee of such
27 property with the intent to conduct surveillance on the
28 individual or property captured in the image in violation of
29 such person's reasonable expectation of privacy without his or

591-01264-21

202144c1

30 her written consent. For purposes of this section, a person is
31 presumed to have a reasonable expectation of privacy on his or
32 her privately owned real property if he or she is not observable
33 by persons located at ground level in a place where they have a
34 legal right to be, regardless of whether he or she is observable
35 from the air with the use of a drone.

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

38 (d) To assist a law enforcement agency with traffic
39 management; however, a law enforcement agency acting under this
40 paragraph may not issue a traffic infraction citation based on
41 images or video captured by a drone.

42 (e) To facilitate a law enforcement agency's collection of
43 evidence at a crime scene or traffic crash scene.

44 (f) By a state agency or political subdivision for the
45 assessment of damage due to a flood, a wildfire, or any other
46 natural disaster or for vegetation or wildlife management on
47 publicly owned land or water.

48 (g) By certified fire department personnel to perform tasks
49 within the scope and practice authorized under their
50 certifications.

51 Section 2. For the purpose of incorporating the amendment
52 made by this act to section 934.50, Florida Statutes, in a
53 reference thereto, paragraph (c) of subsection (4) of section
54 330.41, Florida Statutes, is reenacted to read:

55 330.41 Unmanned Aircraft Systems Act.—

56 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

591-01264-21

202144c1

59 1. A federal, state, or other governmental entity, or a
60 person under contract or otherwise acting under the direction of
61 a federal, state, or other governmental entity.

62 2. A law enforcement agency that is in compliance with s.
63 934.50, or a person under contract with or otherwise acting
64 under the direction of such law enforcement agency.

65 3. An owner, operator, or occupant of the critical
66 infrastructure facility, or a person who has prior written
67 consent of such owner, operator, or occupant.

68 Section 3. This act shall take effect July 1, 2021.