

1                   A bill to be entitled  
2           An act relating to use of drones by government  
3           agencies; amending s. 934.50, F.S.; expanding the  
4           authorized uses of drones by a state agency or  
5           political subdivision to include the assessment of  
6           damage due to natural disasters during a specified  
7           time; providing definitions; requiring the Department  
8           of Management Services, in consultation with a  
9           specified officer, to publish a list of approved drone  
10          manufacturers meeting specified security standards;  
11          authorizing the department to consult specified  
12          entities and guidance in developing the list;  
13          requiring a governmental agency to use a drone from  
14          the approved list; requiring specified governmental  
15          agencies to submit a specified plan; requiring the  
16          department to adopt certain rules; requiring  
17          governmental agencies to discontinue the use of  
18          specified drones by a certain date; requiring the  
19          department to establish minimum security standards for  
20          governmental agency drone use; authorizing the  
21          department to consult specified agencies in  
22          establishing the rules; reenacting s. 330.41(4)(c),  
23          F.S., relating to unmanned aircraft systems, to  
24          incorporate the amendment made to s. 934.50, F.S., in  
25          a reference thereto; providing an effective date.

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

Section 1. Subsection (3) of section 934.50, Florida Statutes, is amended, paragraph (1) is added to subsection (4), and subsection (7) is added to that section, to read:

934.50 Searches and seizure using a drone.—

(3) PROHIBITED USE OF DRONES.—Except as provided under subsection (4):

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

(b) A person, a state agency, or a political subdivision as defined in s. 11.45 may not use a drone equipped with an imaging device to record an image of privately owned real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property captured in the image in violation of such person's reasonable expectation of privacy without his or her written consent. For purposes of this section, a person is presumed to have a reasonable expectation of privacy on his or her privately owned real property if he or she is not observable by persons located at ground level in a place where they have a legal right to be, regardless of whether he or she is observable from the air with the use of a drone.

(4) EXCEPTIONS.—This section does not prohibit the use of

51 | a drone:

52 |       (1) By a state agency or political subdivision for the  
 53 | assessment of damage due to a hurricane, a flood, a wildfire, or  
 54 | any other natural disaster that is the subject of a state of  
 55 | emergency declared by the state or by a political subdivision,  
 56 | before the expiration of the emergency declaration.

57 |       (7) SECURITY STANDARDS FOR GOVERNMENTAL AGENCY DRONE USE.—

58 |       (a) As used in this subsection, the term:

59 |       1. "Department" means the Department of Management  
 60 | Services.

61 |       2. "Governmental agency" means any state, county, local,  
 62 | or municipal governmental entity or any unit of government  
 63 | created or established by law that uses a drone for any purpose.

64 |       (b) By January 1, 2022, the department, in consultation  
 65 | with the state chief information officer, shall publish on the  
 66 | department's website a list of approved manufacturers whose  
 67 | drones may be purchased or otherwise acquired and used by a  
 68 | governmental agency under this section. An approved manufacturer  
 69 | must provide appropriate safeguards to protect the  
 70 | confidentiality, integrity, and availability of data collected,  
 71 | transmitted, and stored by a drone. The department may consult  
 72 | federal agencies and any relevant federal guidance in developing  
 73 | the list of approved manufacturers required under this  
 74 | paragraph.

75 |       (c) Beginning on the date the department publishes the

76 list of approved drone manufacturers under paragraph (b), a  
77 governmental agency may only purchase or otherwise acquire a  
78 drone from an approved manufacturer.

79 (d) By July 1, 2022, a governmental agency that uses any  
80 drone not produced by an approved manufacturer shall submit to  
81 the department a comprehensive plan for discontinuing the use of  
82 such a drone. The department shall adopt rules identifying the  
83 requirements of the comprehensive plan required under this  
84 paragraph.

85 (e) By January 1, 2023, all governmental agencies must  
86 discontinue the use of drones not produced by an approved  
87 manufacturer. The department shall establish by rule, consistent  
88 with any federal guidance on drone security, minimum security  
89 requirements for governmental agency drone use to protect the  
90 confidentiality, integrity, and availability of data collected,  
91 transmitted, or stored by a drone. The department may consult  
92 federal agencies in establishing the minimum security  
93 requirements required under this paragraph.

94 Section 2. For the purpose of incorporating the amendment  
95 made by this act to section 934.50, Florida Statutes, in a  
96 reference thereto, paragraph (c) of subsection (4) of section  
97 330.41, Florida Statutes, is reenacted to read:

98 330.41 Unmanned Aircraft Systems Act.—

99 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

100 (c) This subsection does not apply to actions identified

101 in paragraph (a) which are committed by:

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

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

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

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