



CS/HB 1027, Engrossed 1

2017

1 A bill to be entitled
2 An act relating to unmanned aircraft; creating s.
3 330.41, F.S.; providing a short title; providing
4 definitions; providing that the authority to regulate
5 the ownership or operation of unmanned aircraft
6 systems is vested in the state; prohibiting a
7 political subdivision from enacting or enforcing
8 certain ordinances or resolutions relating to unmanned
9 aircraft systems; providing construction; requiring
10 persons seeking to restrict or limit the operation of
11 unmanned aircraft in close proximity to certain
12 infrastructure or facilities to apply to the Federal
13 Aviation Administration; prohibiting certain operation
14 of an unmanned aircraft in relation to certain
15 critical infrastructure facilities; providing
16 penalties; providing exceptions; creating s. 330.411,
17 F.S.; prohibiting possession or operation of an
18 unmanned aircraft or unmanned aircraft system with
19 certain attached weapons or devices; providing
20 penalties; amending s. 934.50, F.S.; exempting a
21 communications services provider and its contractor
22 from certain prohibitions against the use of a drone;
23 providing an effective date.

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



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

330.41 Unmanned Aircraft Systems Act.—

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

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

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

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

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

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

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

5. A wireless communications facility, including towers, antennae, support structures, and all associated ground-based equipment.

6. A chemical or rubber manufacturing or storage facility.

7. A mining facility.



51 (b) "Person" means an individual, partnership,
52 corporation, association, governmental entity, or other legal
53 entity.

54 (c) "Unmanned aircraft" means a drone as defined in s.
55 934.50(2).

56 (d) "Unmanned aircraft system" means an unmanned aircraft
57 and associated elements, including communication links and the
58 components used to control the unmanned aircraft which are
59 required for the pilot in command to operate the unmanned
60 aircraft safely and efficiently.

61 (3) REGULATION.—

62 (a) The authority to regulate the ownership or operation
63 of unmanned aircraft systems is vested in the state.

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

72 (c) This section does not limit local government authority
73 to enact or enforce local ordinances relating to nuisances,
74 voyeurism, harassment, reckless endangerment, property damage,
75 or other illegal acts arising from the use of unmanned aircraft



76 | systems if such ordinances are not specifically related to the
77 | use of an unmanned aircraft system for those illegal acts.

78 | (d) This section shall be construed in accordance with
79 | standards described by federal statutes and regulations and
80 | Federal Aviation Administration guidance on unmanned aircraft
81 | systems.

82 | (4) PROTECTION OF INFRASTRUCTURE AND FACILITIES.—

83 | (a) A person seeking to restrict or limit the operation of
84 | unmanned aircraft in close proximity to infrastructure or
85 | facilities the person owns or operates must apply to the Federal
86 | Aviation Administration for such designation pursuant to section
87 | 2209 of the FAA Extension, Safety, and Security Act of 2016.

88 | (b) Notwithstanding paragraph (a), a person may not
89 | knowingly or willfully:

90 | 1. Operate an unmanned aircraft over a critical
91 | infrastructure facility;

92 | 2. Allow an unmanned aircraft to make contact with a
93 | critical infrastructure facility, including any person or object
94 | on the premises of or within the facility; or

95 | 3. Allow an unmanned aircraft to come within a distance of
96 | a critical infrastructure facility that is close enough to
97 | interfere with the operations of or cause a disturbance to the
98 | facility.

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100 | A person who violates this paragraph commits a misdemeanor of



101 the second degree, punishable as provided in s. 775.082 or s.
102 775.083. A person who commits a second or subsequent violation
103 commits a misdemeanor of the first degree, punishable as
104 provided in s. 775.082 or s. 775.083.

105 (c) This section does not apply to actions described in
106 paragraph (b) that are committed by:

107 1. A federal, state, or other governmental entity or a
108 person under contract with or otherwise acting under the
109 direction of such entity.

110 2. A law enforcement agency that is in compliance with s.
111 934.50 or a person under contract with or otherwise acting under
112 the direction of such law enforcement agency.

113 3. An owner, operator, or occupant of the critical
114 infrastructure facility or a person who has prior written
115 consent of such owner, operator, or occupant.

116 (d) Subparagraph (b)1. does not apply to an unmanned
117 aircraft operating in transit for commercial purposes in
118 compliance with Federal Aviation Administration regulations,
119 authorizations, or exemptions.

120 Section 2. Section 330.411, Florida Statutes, is created
121 to read:

122 330.411 Prohibited possession or operation of unmanned
123 aircraft; penalties.—A person may not possess or operate an
124 unmanned aircraft or unmanned aircraft system as defined in s.
125 330.41 with an attached weapon, firearm, explosive, destructive



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126 device, or ammunition as defined in s. 790.001. Notwithstanding
127 s. 330.33, a person who violates this section commits a
128 misdemeanor of the first degree, punishable as provided in s.
129 775.082 or s. 775.083.

130 Section 3. Paragraph (j) is added to subsection (4) of
131 section 934.50, Florida Statutes, to read:

132 934.50 Searches and seizure using a drone.—

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

135 (j) By a communications services provider or its
136 contractor for routing, siting, installation, maintenance, or
137 inspection of facilities used to provide communications
138 services.

139 Section 4. This act shall take effect July 1, 2017.
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