

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; amending s. 934.50,
 17 F.S.; exempting a communications services provider and
 18 its contractor from certain prohibitions against the
 19 use of a drone; providing an effective date.

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

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 23 Section 1. Section 330.41, Florida Statutes, is created to
 24 read:
 25 330.41 Unmanned Aircraft Systems Act.-

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

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

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

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

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

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

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

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

44 (b) "Person" means an individual, partnership,
 45 corporation, association, governmental entity, or other legal
 46 entity.

47 (c) "Unmanned aircraft" means a drone as defined in s.
 48 934.50(2).

49 (d) "Unmanned aircraft system" means an unmanned aircraft
 50 and associated elements, including communication links and the

51 components used to control the unmanned aircraft which are
52 required for the pilot in command to operate the unmanned
53 aircraft safely and efficiently.

54 (3) REGULATION.—

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

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

65 (c) This section does not limit local government authority
66 to enact or enforce local ordinances relating to nuisances,
67 voyeurism, harassment, reckless endangerment, property damage,
68 or other illegal acts arising from the use of unmanned aircraft
69 systems if such ordinances are not specifically related to the
70 use of an unmanned aircraft system for those illegal acts.

71 (d) This section shall be construed in accordance with
72 standards described by federal statutes and regulations and
73 Federal Aviation Administration guidance on unmanned aircraft
74 systems.

75 (4) PROTECTION OF INFRASTRUCTURE AND FACILITIES.—

76 (a) A person seeking to restrict or limit the operation of
77 unmanned aircraft in close proximity to infrastructure or
78 facilities the person owns or operates must apply to the Federal
79 Aviation Administration for such designation pursuant to section
80 2209 of the FAA Extension, Safety, and Security Act of 2016.

81 (b) Notwithstanding paragraph (a), a person may not
82 knowingly or willfully:

83 1. Operate an unmanned aircraft over a critical
84 infrastructure facility;

85 2. Allow an unmanned aircraft to make contact with a
86 critical infrastructure facility, including any person or object
87 on the premises of or within the facility; or

88 3. Allow an unmanned aircraft to come within a distance of
89 a critical infrastructure facility that is close enough to
90 interfere with the operations of or cause a disturbance to the
91 facility.

92
93 A person who violates this paragraph commits a misdemeanor of
94 the second degree, punishable as provided in s. 775.082 or s.
95 775.083. A person who commits a second or subsequent violation
96 commits a misdemeanor of the first degree, punishable as
97 provided in s. 775.082 or s. 775.083.

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

100 1. A federal, state, or other governmental entity or a

101 person under contract with or otherwise acting under the
102 direction of such entity.

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

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

109 (d) Subparagraph (b)1. does not apply to an unmanned
110 aircraft operating in transit for commercial purposes in
111 compliance with Federal Aviation Administration regulations,
112 authorizations, or exemptions.

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

115 934.50 Searches and seizure using a drone.—

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

118 (j) By a communications services provider or its
119 contractor for routing, siting, installation, maintenance, or
120 inspection of facilities used to provide communications
121 services.

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