

CHAPTER 2023-147

Committee Substitute for Committee Substitute for House Bill No. 645

An act relating to the Unmanned Aircraft Systems Act; amending s. 330.41, F.S.; revising the definition of the term “critical infrastructure facility”; deleting a provision requiring certain persons and governmental entities to apply to the Federal Aviation Administration to restrict or limit the operation of drones in close proximity to certain infrastructure or facilities; deleting a provision allowing a drone operating in transit for commercial purposes to operate over a critical infrastructure facility under certain circumstances; providing for future sunset of the definition of the term “critical infrastructure facility”; providing effective dates.

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

Section 1. Paragraph (a) of subsection (2), paragraph (d) of subsection (3), and paragraphs (d) and (e) of subsection (4) of section 330.41, Florida Statutes, are amended to read:

330.41 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. ~~A An electrical~~ power generation or transmission facility, substation, switching station, or electrical control center.

2. A chemical or rubber manufacturing or storage facility.

3. A water intake structure, water treatment facility, wastewater treatment plant, or pump station.

~~4.3.~~ A mining facility.

~~5.4.~~ A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.

~~6.5.~~ A liquid natural gas or propane gas terminal or storage facility with a capacity of 4,000 gallons or more.

~~7.6.~~ Any portion of an aboveground oil or gas pipeline.

8. A refinery.

9. A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.

10.7. A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.

11. A seaport as listed in s. 311.09(1), which need not be completely enclosed by a fence or other physical barrier and need not be marked with a sign or signs indicating that entry is forbidden.

12. An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport.

13. An airport as defined in s. 330.27.

14. A spaceport territory as defined in s. 331.303(18).

15. A military installation as defined in 10 U.S.C. s. 2801(c)(4) and an armory as defined in s. 250.01.

16. A dam as defined in s. 373.403(1) or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways.

17.8. A state correctional institution as defined in s. 944.02 or a private correctional facility authorized under chapter 957.

18.9. A secure detention center or facility, as defined in s. 985.03, or a nonsecure residential facility, a high-risk residential facility, or a maximum-risk residential facility, as those terms are described in s. 985.03(44).

19.10. A county detention facility, as defined in s. 951.23.

(3) REGULATION.—

~~(d) A person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities that the person or governmental entity owns or operates must apply to the Federal Aviation Administration for such designation pursuant to s. 2209 of the FAA Extension, Safety, and Security Act of 2016.~~

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.

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

~~(d)(e)~~ This subsection and paragraph (2)(a) shall sunset 60 days after the date that a process pursuant to s. 2209 of the FAA Extension, Safety and Security Act of 2016 becomes effective.

Section 2. Effective on the same date that HB 1355, 2023 Regular Session, or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law, paragraph (a) of subsection (2) of section 330.41, Florida Statutes, as amended by this act, is amended to read:

330.41 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. A power generation or transmission facility, substation, switching station, or electrical control center.
2. A chemical or rubber manufacturing or storage facility.
3. A water intake structure, water treatment facility, wastewater treatment plant, or pump station.
4. A mining facility.
5. A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.
6. A liquid natural gas or propane gas terminal or storage facility.
7. Any portion of an aboveground oil or gas pipeline.
8. A refinery.
9. A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
10. A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.
11. A seaport as listed in s. 311.09(1), which need not be completely enclosed by a fence or other physical barrier and need not be marked with a sign or signs indicating that entry is forbidden.
12. An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport.
13. An airport as defined in s. 330.27.
14. A spaceport territory as defined in s. 331.303(18).

15. A military installation as defined in 10 U.S.C. s. 2801(c)(4) and an armory as defined in s. 250.01.

16. A dam as defined in s. 373.403(1) or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways.

17. A state correctional institution as defined in s. 944.02 or a private correctional facility authorized under chapter 957.

18. A secure detention center or facility as defined in s. 985.03, or a nonsecure residential facility, a high-risk residential facility, or a maximum-risk residential facility as those terms are described in s. 985.03(44).

19. A county detention facility as defined in s. 951.23.

20. A critical infrastructure facility as defined in s. 692.201.

Section 3. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2023.

Approved by the Governor May 25, 2023.

Filed in Office Secretary of State May 25, 2023.