SMALL UAV COALITION
A Partnership for Safety & Innovation

AUVSI™

COMMERCIAL DRONE ALLIANCE

March 7, 2025

Honorable Kaylee Tuck
Florida House of Representatives
kaylee.tuck@flhouse.gov

Honorable Daniel Alvarez
Florida House of Representatives
danny.alvarez@flhouse.gov

Honorable Keith Truenow
Florida Senate
truenow.keith.web@flsenate.gov

**RE: Florida House Bill 651 and Senate Bill 700**

Dear Representative Tuck, Representative Alvarez, and Senator Truenow:

We, the undersigned, are writing on behalf of our member companies to express our concerns with one provision in each of these bills that we believe is overbroad and likely preempted by federal law. The commercial drone industry is committed to promote the UAS industry to ensure the residents of Florida may receive the many benefits drone operations will bestow on individuals and businesses. We acknowledge the intent of the Unmanned Aircraft System Act in these bills to protect farmlands and state hunting lands from various nefarious uses of drones, but we do not believe commercial drone operators pose any such

risk simply by flying a drone over farmland or other private property. Accordingly, we ask that each bill be changed in one respect as set forth below.

Proposed 330.41(6)(a)(1) would prohibit a drone from knowingly or willfully operating a drone "on lands classified as agricultural lands." Proposed 330.41(7)(a)(1) would prohibit a drone from knowingly or willfully operating a drone "on private property, state wildlife management lands, or a sport shooting or training range." Our member companies are responsible operators that fly in compliance with strict requirements imposed by the Federal Aviation Administration (FAA). A commercial drone flight over private property, without hovering or engaging in any misconduct, should not be a crime.

We do not object to proposed 330.41(6)(a)(2) and (3) as these prohibitions would apply to a drone that makes contact with a person or object on premises of the agricultural land or comes so close as to interfere with the operations of or cause disturbance to agricultural production. Similarly, we do not object to proposed 330.41(7)(a)(2) as this prohibition would apply to a drone that makes contact with private property or any person or object on the premises with the intent to harass. These prohibitions focus on conduct, whereas proposed 330.41(6)(a)(1) and 330.41(7)(a)(1) focus on overflights. We ask that these prohibitions not apply to commercial drone operations over such property that are in compliance with federal aviation regulations and authorizations.

The drone industry is growing and the potential benefit to Florida residents is significant. Any restriction on the routes commercial operators can fly could hinder the state's ability to take advantage of this emerging technology. Prohibiting drone operations over "private property" would effectively ban drone operations in the State. Such broad restrictions on flights over private property would likely run afoul of federal law. In the Federal Aviation Act of 1958, Congress granted plenary authority to the FAA to regulate the safety and efficiency of operations in the national airspace system. Section 40103(a)(2) of Title 49 states: "A citizen of the United States has a public right of transit through the navigable airspace. . . ." As the FAA has recently confirmed in a 2023 Fact Sheet, the federal government has exclusive authority over flight paths, routes, and the altitude of aircraft operations.

Although the federal government is the only authority over the national airspace, we understand the State of Florida's strong interest in protecting persons and property on the ground and preventing criminal activity. Creating a narrow exemption for commercial drone operations that simply traverse the airspace over private property would not disserve that interest. Instead, such an exemption would help bring the manifest benefits of drone deliveries, inspections, and other uses to Floridians.

Thank you for your consideration of these recommended revisions.

Respectfully submitted,

Gregory S. Walden
Small UAV Coalition
gregory.walden@dgagroup.com
202-403-9904

Mason Sisk

Mason Sisk
Director, Government Affairs
Association of Uncrewed Vehicle Systems International
msisk@auvsi.org

Liz Forro

Liz Forro
Policy Director
Commercial Drone Alliance
lforro@commercialdronealliance.org