

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Public Safety and Neighborhood Quality of Life Committee Members

FROM: Eric Carpenter, City Manager

DATE: November 6, 2024

TITLE: DISCUSS OPTIONS TO ADDRESS DRONES OR OTHER AIRCRAFT THAT ENGAGE IN ILLEGAL ACTIVITY.

RECOMMENDATION

The Administration recommends continuing to research legislation related to Small Unmanned Aerial System activity adopted by governing bodies in similar and surrounding jurisdictions and exploring additional measures legally allowed under the direction of the City Commission.

BACKGROUND/HISTORY

At the July 24, 2024 City Commission Meeting, at the request of Commissioner Laura Dominguez, the Mayor and City Commission approved a referral (C4 O) to the Public Safety and Neighborhood Quality of Life Committee ("PSNQLC") to discuss options to address drones or other aircraft that engage in illegal activity.

ANALYSIS

The ownership and use of sUAS (Small Unmanned Aerial System) – aka Drones – has grown exponentially over the past several years. The technology is used primarily in two fashions: first, by hobbyists in both the photography and videography space, and secondly, for commercial purposes leveraging the various capabilities of drones. Other uses based on the systems' capabilities include life safety, search and rescue, and law enforcement. The Federal Aviation Administration (FAA) regulates the National Airspace and has federal rulemaking authority for the use of sUAS. Commercial uses are regulated under 14 CFR Part 107.

Over the three-day Memorial Day Weekend Air and Sea show, the Police Department partnered with the FAA and a technology provider that monitors and tracks sUAS activity over a defined geographic area. More than 160 sUAS were observed flying within the area designated with a Temporary Flight Restriction (TFR), which was designated from Government Cut to 41st Street. Several sUAS operator ground control stations were contacted, and the FAA initiated administrative investigations into those individuals.

Pursuant to Florida law, the authority to regulate the operation of unmanned aircraft systems (drones) is vested in the State of Florida, except as provided within the Federal regulations. Specifically, the City may not enact (or enforce) any ordinance or regulation relating to the design, manufacture, testing, maintenance, licensing, registration, certification, or operation of an unmanned aircraft system, including airspace, altitude, flight paths, equipment, or technology requirements; the purpose of operations; and pilot, operator, or observer qualifications, training, and certification. As such, a City ordinance regulating the frequency or height (altitude) of drone flights would be unauthorized as such matters are preempted to the State.

Notwithstanding the foregoing, the City is permitted to enact an ordinance relating to nuisances,

voyeurism, harassment, reckless endangerment, property damage, or other illegal acts arising from the use of unmanned aircraft systems if such laws or ordinances are not specifically related to the use of an unmanned aircraft system for those illegal acts. Such an ordinance could be appropriately tailored to allow the City to address any local safety concerns so long as such regulation applies equally to both manned and unmanned aircraft.

The Miami Beach Police Department's ability to take enforcement action on a sUAS operator is limited to the Florida State Statute 860.13 "Operation of aircraft while intoxicated or in a careless or reckless manner." This is subject to the ability of responding officers to not only observe the violations as they occur, but also to physically locate the operator with the ground control station of the sUAS in question.

The Administration is conducting research with the assistance of the FAA regarding what, if any, actions have been taken by other governing bodies within their legislative authority to mitigate illegal sUAS activity within their jurisdictions.

FISCAL IMPACT STATEMENT

Financial impact is unknown and dependent on the direction provided by this committee and the full City Commission.

CONCLUSION

The Administration is prepared to explore additional measures pursuant to guidance from the Public Safety and Neighborhood Quality of Life Committee and the full City Commission.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Police/Legal

Sponsor(s)

Commissioner Laura Dominguez

Co-sponsor(s)

Condensed Title

Options to address illegal drone/aircraft activity.