

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

Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Vice Mayor Laura Dominguez

DATE: July 24, 2024

TITLE: REFERRAL TO THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE TO DISCUSS OPTIONS TO ADDRESS DRONES OR OTHER AIRCRAFT THAT ENGAGE IN ILLEGAL ACTIVITY.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

Please place on the July 24, 2024 agenda a referral to the Public Safety and Neighborhood Quality of Life Committee to discuss various options to mitigate the potential impact of drones or other aircraft, whether manned or unmanned, engaging in illegal conduct in the City of Miami Beach.

The City of Miami Beach is home to over 81,000 residents who rightly expect, and deserve, to be safe and secure in their City. That safety and security, which is essential to residents' well-being and quality of life, extends to all areas of the City, including the beaches.

In addition to the City's residents, Miami Beach also welcomes thousands of tourists, day-trippers, and other individuals to its beautiful City. Many residents and visitors, including sunbathers, surfers, kiteboarders, swimmers, parasailers, and persons simply desiring to enjoy the fresh air, sun, and soothing sound of the waves, enjoy reveling in the City's stunning beaches and vibrant coastal atmosphere. However, the sheer number of people on the City's beaches also attracts other, less desirable, activity including illegal food/drink vendors, aerial advertisers, and persons flying aircraft (including drones) over the beach and in close proximity to beachgoers and/or watersport participants.

While the Federal Aviation Administration ("FAA") has primary jurisdiction with regard to aircraft, including drones, the State also (subordinately) regulates the use of drones with regard to prohibitions on flying drones in or around certain critical infrastructure and a general prohibition on capturing images of privately owned property and property owners when they have a reasonable expectation of privacy.

Unfortunately, local governments have a limited role in regulating unmanned aircraft, since State law provides that "[e]xcept as otherwise expressly provided, a political subdivision may not enact or enforce an ordinance or resolution 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." Nonetheless, State law

also provides that such preemption is not intended to limit the authority of a local government to enact or enforce local ordinances 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.

Accordingly, I would request that the City Attorney's Office be prepared at Committee to discuss any available legal option(s) to mitigate aircraft, whether manned or unmanned, flying over the City and endangering residents, visitors, or their property, engaging in voyeuristic conduct, creating a nuisance, and/or partaking in other illegal acts.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on .
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

N/A

CONCLUSION

N/A

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

Office of Vice-Mayor Laura Dominguez

Sponsor(s)

Commissioner Laura Dominguez

Co-sponsor(s)

Condensed Title

Ref: PSNQLC - Options to Address Drones/Other Aircraft that Engage in Illegal Activity.
(Dominguez)