

MEMORANDUM

Agenda Item No. 11(A)(26)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 3, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Federal Aviation Administration to prohibit the operation of Unmanned Aircraft Systems within 1,000 feet, or other appropriate distance to ensure security and safety, of the perimeter of specified seaports, including the Dante B. Fascell Port of Miami, subject to exceptions, such as use of Unmanned Aircraft Systems by law enforcement agencies, county or seaport authority personnel and contractors at the request of the Seaport Department or seaport authority or any entity with the consent of the Seaport Department or Seaport Authority

Resolution No. R-1017-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



Abigail Price-Williams
County Attorney

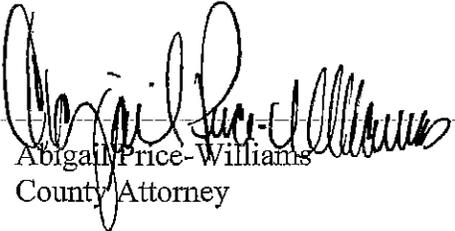
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MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
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County Attorney

SUBJECT: Agenda Item No. 11(A)(26)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(26)
11-3-15

RESOLUTION NO. R-1017-15

RESOLUTION URGING THE FEDERAL AVIATION ADMINISTRATION TO PROHIBIT THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS WITHIN 1,000 FEET, OR ~~OTHER APPROPRIATE DISTANCE TO ENSURE SECURITY AND SAFETY,~~ OF THE PERIMETER OF SPECIFIED SEAPORTS, INCLUDING THE DANTE B. FASCELL PORT OF MIAMI, SUBJECT TO EXCEPTIONS, SUCH AS USE OF UNMANNED AIRCRAFT SYSTEMS BY LAW ENFORCEMENT AGENCIES, COUNTY OR SEAPORT AUTHORITY PERSONNEL AND CONTRACTORS AT THE REQUEST OF THE SEAPORT DEPARTMENT OR SEAPORT AUTHORITY OR ANY ENTITY WITH THE CONSENT OF THE SEAPORT DEPARTMENT OR SEAPORT AUTHORITY

WHEREAS, Unmanned Aircraft Systems (“UAS”), commonly known as drones, are currently readily available for purchase; and

WHEREAS, the use of UAS by business, law enforcement agencies, governmental entities and the general public has been rapidly increasing; and

WHEREAS, UAS can create a threat to vessels calling at seaports and a seaport’s gantry cranes, including vessels and gantry cranes at the Dante B. Fascell Port of Miami (“Port of Miami”); and

WHEREAS, UAS also pose a security threat to personnel working at seaports as well as passengers of vessels by making intentional or accidental contact with the radar and communication systems of vessels, gantry cranes, other similar structures and equipment, vessel passengers and crew, or personnel working at a seaport; and

WHEREAS, the Miami-Dade County Seaport Department is the second largest driver of the County economy, and the safety and security of persons making use of the Port of Miami is of paramount importance,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Incorporates and approves the foregoing recitals in this resolution.

Section 2. Urges the Federal Aviation Administration to place in the Code of Federal Regulations a provision stating that no person may operate, or cause to be operated, a UAS, or any equipment or any part thereof, within 1,000 feet, or other appropriate distance, from a seaport, such as the Dante B. Fascell Port of Miami, serving cruise ships, other commercial passenger vessels, and/or large cargo vessels to ensure the security and safety of the passengers, workers, crewmembers and other persons using seaports, but with exceptions for use of UAS by some persons, such as law enforcement personnel, seaport employees performing their duties, contractors at the request of a seaport, or other persons with the written permission of a seaport authority or department.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation, the Secretary of the United States Department of Transportation, and the Director of the Federal Aviation Administration,

Section 4. Directs the County's federal lobbyists to advocate for the action set forth in Section 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 Federal Legislative Package to include this item, and to include this item in the 2016 Federal Legislative Package when it is presented to this Board.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Xavier L. Suarez** and upon being put to a vote, the vote was as follows:

| | | | |
|----------------------|-------------------------------------|----------------------|------------|
| | Jean Monestime, Chairman | aye | |
| | Esteban L. Bovo, Jr., Vice Chairman | aye | |
| Bruno A. Barreiro | absent | Daniella Levine Cava | aye |
| Jose "Pepe" Diaz | aye | Audrey M. Edmonson | aye |
| Sally A. Heyman | aye | Barbara J. Jordan | aye |
| Dennis C. Moss | aye | Rebeca Sosa | aye |
| Sen. Javier D. Souto | aye | Xavier L. Suarez | aye |
| Juan C. Zapata | aye | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of November, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Richard Seavey