

## THE LAW OF DRONES IN FLORIDA

Senior Counsel Section

Chair: Thomas Newcomb Hyde – Attorney at Law



The Law of Drones is not a new Netflix mini-series. Rather, it was a remarkable presentation by Sasha Lohn to a packed Senior Counsel luncheon of over fifty lawyers and judges in January. Lohn is the General Counsel and Executive Director of the Sun Coast Police Benevolent Association. She previously served for more than four years as the General Counsel for the St. Petersburg Police Department.

Under Florida law, a drone is a powered, aerial vehicle that does not carry a human operator; uses aerodynamic forces to provide vehicle lift; can fly autonomously or be piloted remotely; can be expendable or recoverable; and can carry a lethal or nonlethal payload.<sup>1</sup> In other words, drones are small, remotely operated airborne systems.

Sasha explained that drones provide an incomparable opportunity for law enforcement agencies to keep the public and their personnel safe, at a price that allows agencies of almost any size to participate. For example, the DJI Matrice 600 Hexacopter, complete with accessories, is available for about \$5,000<sup>2</sup> and the DJI Tello is only \$99.<sup>3</sup> Sasha

bravely demonstrated the operation of the Tello at the luncheon.

Drones with nonlethal payloads can be used to prepare for or monitor the safety and security of major events; search large or dense areas; and determine staffing or deployment strategies in times of crisis. They can get footage to learn what is happening and go over or

around a school or a stadium. But lethal payloads can be frightening. Sasha showed a YouTube video demonstrating the lethal power of drones featuring their “Killer Drone,” created by two crazy Finnish famers who equipped their drone with a chain saw, and watched as it attacked pine trees, icicles and even snowmen.<sup>4</sup>

Under current Florida law, the authority to regulate the operation of drones is vested in the state except as provided in federal regulations, authorizations or exemptions. Thus, municipal and county ordinances are preempted.<sup>5</sup>

A law enforcement agency may not use a drone to gather evidence or other information. However, there are exceptions: to counter a



Sasha Lohn

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high risk of a terrorist attack; or if there is reasonable suspicion that swift action is needed to prevent imminent danger to life, or serious damage, or the escape of a suspect. Of course, there is an exception if the law enforcement agency first obtains a search warrant signed by a judge authorizing the use of the drone. There are other exceptions for business, for the property appraiser, aerial mapping, and delivering cargo.<sup>6</sup>

The lawyers and judges in attendance were delighted with Lohn’s marvelous presentation and the opportunity to learn more about the law of drones in Florida. ■

<sup>1</sup> Section 934.50(2)(a), Fla. Stat.

<sup>2</sup> <https://store.dji.com/>

product/matrice-600 (last visited March 31, 2020).

<sup>3</sup> <https://store.dji.com/product/tello> (last visited March 31, 2020).

<sup>4</sup> <https://youtu.be/6Viwwtf0gU?t=29s> (last visited March 31, 2020).

<sup>5</sup> Section 330.41(3)(a), Fla. Stat.

<sup>6</sup> Section 934.50, Fla. Stat.

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## Senior Counsel Section Luncheon

On January 27, the Senior Counsel Section held a fascinating luncheon on drones and the legal ramifications related to their use. Sasha Lohn, the general counsel and executive director of the Sun Coast Police Benevolent Association and former general counsel for the St. Petersburg Police Department, spoke on the topic and even demonstrated a drone for the attendees! (Read more about the luncheon on the previous page.)

