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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

(Second Reading 04-24-07)

Date: February 6, 2007

Agenda Item No. 7(C)

To: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Amendments to Chapter 28A, Code of Miami-Dade County, Seaport Security and Operations

O#07-57

RECOMMENDATION

It is recommended that the Board adopt the accompanying ordinance amending Chapter 28A of the Code of Miami-Dade County; extending the length of Seaport identification cards to not to exceed four years; repealing requirement that an applicant for a Seaport identification card provide a copy of the applicant's Social Security card; providing additional requirements related to changes in ownership of companies holding stevedore permits; providing severability, inclusion in the code and an effective date.

BACKGROUND

In an effort to enhance its operations and/or memorialize certain regulatory changes imposed by state or federal agencies, from time to time the Seaport Department conducts a review of its Terminal Tariff as well as other Board-approved operating guidelines or legislation. Toward this end, the department recommends that the Board adopt the following amendments to Chapter 28A of the Code.

Amendment to Section 28A-5.2. Plan for Issuance. Florida Statute 311.125(5) states in part that, "*A Uniform Port Access Credential Card is valid for four years following the date of issuance.*" Currently, Section 28A-5.2 of the Code authorizes an identification card to be issued for a period up to one year. Although the Florida Uniform Port Access Credential Card (FUPAC) is initially limited to only a few prototype locations throughout the state and will not be implemented at the Port of Miami this year, the proposed amendment to Section 28A-5.2 would align county requirements consistent with those of the State for an identification credential issued by the Port of Miami. Nothing would preclude the Port of Miami from issuing a credential for a shorter period of time if circumstances dictated or if requested by employers. The price schedule for the Port of Miami credential is published in Port of Miami Terminal Tariff #010 and will be updated to reflect the cost for periods of time up to four years for which they may be issued. All Tariff modifications are subject to approval by the Board.

Amendment to Section 28A-5.3. Application. Social Security numbers must be provided by applicants to enable appropriate background checks by the Florida Department of Law Enforcement (FDLE). Although applicants acknowledge the need to provide Social Security information, many do not have an actual copy of their Social Security card available. This requirement often causes delays as applicants then have to request additional copies from the Social Security Administration. This may take up to several days or weeks; thus keeping new or existing employees out of work. In addition, leaving a photocopy of this critical personal information is sometimes contentious, particularly in this age when identity theft is so prevalent. This proposed amendment removes both the requirement for the applicant to provide a copy of the actual Social Security card and for the Port to retain an otherwise unnecessary file copy of an applicant's Social Security number in the application file.

Amendment to Section 28A-6.3. Application for County Stevedore License and Port of Miami Stevedore Permit. This amendment would require changes in ownership of companies holding stevedore permits at the Port of Miami to report a change in controlling financial interest contemporaneously to the County Manager. Furthermore, the notice should state whether the transaction was approved by the Committee on Foreign Investment in the United States (CFIUS). Finally, it would give the Port Director authority to request a background investigation on new owners conducted by the Miami-Dade Police Department.

FISCAL IMPACT

The proposed ordinance will have no financial impact on the Seaport Department.

Susanne M. Torriente
Chief of Staff/Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(C)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)
04-24-07

ORDINANCE NO. 07-57

ORDINANCE PERTAINING TO SEAPORT OPERATIONS AND SECURITY; AMENDING SECTIONS 28A-5.2; 28A-5.3 AND 28A-6.3 OF THE CODE OF MIAMI-DADE COUNTY; EXTENDING THE LENGTH OF SEAPORT IDENTIFICATION CARDS NOT TO EXCEED FOUR YEARS; REPEALING REQUIREMENT THAT AN APPLICANT FOR A SEAPORT IDENTIFICATION CARD PROVIDE A COPY OF THE APPLICANT'S SOCIAL SECURITY CARD; PROVIDING ADDITIONAL REQUIREMENTS RELATED TO CHANGES IN OWNERSHIP OF COMPANIES HOLDING STEVEDORE PERMITS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 28A-5.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

28A-5.2. Plan for issuance.

The Director shall devise, maintain and, as required, revise a plan for the issuance of identification cards to all port employees and non-port employees working on the port. Such plan shall provide various levels of security clearance based on the security requirements of distinct areas of the port.

Such plan shall provide for ready identification of various clearance levels, based on card color: green for port employees; red for non-port employees with security access to restricted areas; blue for non-port employees with access to non-restricted public access areas; and white for non-port temporary employees which

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

require no more than five (5) days access to port property; or such other color scheme as may be designated by the Director.

With the exception of temporary identification cards, each identification card shall:

(a) Be issued for a period not to exceed [[~~one (1) year~~]] >>four (4) years<<;

(b) Contain a photo of the cardholder;

(c) Contain a physical description of the cardholder, to include but not be limited to height, weight, and date of birth of cardholder;

(d) Contain the name, title, and employer, or in the case of a port employee the employing department and division or section, of cardholder; and

(e) Contain a unique serial number not to be repeated on any other identification card.

Section 2. Section 28A-5.3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

28A-5.3. Application.

(a) The application for a permanent identification card is to be a public record filed in writing and shall contain the applicant's:

(1) Full current name and any previous names and aliases used;

(2) Current residential address and all residential addresses within the past five (5) years;

(3) Date and place of birth;

(4) Current employer and any previous employer within the past five (5) years;

(5) Social Security number and driver's license number as well as [[~~copies of each~~]] >>a copy of the applicant's driver's license<< to be made by

Seaport Security Division personnel from >>the<< original [[~~documents~~]] >>document<<;

(6) Specific reason for entry into the area of cargo operations or restricted area;

(7) A photo of applicant taken by the Department at the time of application submission;

(8) Fingerprints authenticated by the Miami-Dade Police Department on an identification record form furnished by the Director of the Miami-Dade Police Department.

(9) Prior felony convictions or entries of findings of guilt (whether pursuant to a plea of guilty or nolo contendere or a judgment of conviction entered by a court of competent jurisdiction);

(10) Signed authorization to conduct a criminal or other background check on the applicant; and

(11) Signatures of applicant, and employer for non-port employees or immediate supervisor for port employees.

* * *

Section 3. Section 28A-6.3 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

28A-6.3. *Application for County stevedore license and Port of Miami stevedore permit.*

* * *

(b) The applications for the County stevedoring license and the Port of Miami stevedore permit shall require the applicant to report in writing any affiliation, as an employee, partner, associate, officer, trustee, director or owner of greater than a twenty (20) percent share (directly or indirectly) of or any person, corporation, partnership, joint venture, association, firm, business trust, syndicate, municipal or other governmental body which may directly or indirectly be involved with the shipment or handling of freight. If so

affiliated, the application must be accompanied by a written list of such affiliations and the names and addresses of persons or members of any such corporation, partnership, joint venture, association, firm, business trust, or syndicate. The name and address of each person holding a controlling financial interest in the corporation, partnership, joint venture, association, firm, business trust, or syndicate, according to the definition of "controlling financial interest" contained in Section 2-11.1(b)(8), Code of Metropolitan Miami-Dade County, shall be provided by the applicant[[~~, and shall be kept current on an annual basis~~]].

>>(c) All stevedore permit holders shall keep all ownership and controlling interest information current over the course of the stevedore permit. A stevedore permit holder shall notify the director in writing, with a copy to the County Manager, of any change in the identity of persons holding a "controlling financial interest" in the permit holder contemporaneously with the occurrence of such change, and state in its notice whether the underlying transaction was approved by the Committee on Foreign Investment in the United States ("CFIUS) pursuant to 50 U.S.co App. SS2170, if applicable, and if so, the date of such approval. The port director shall have the authority to request that a background investigation of such persons be performed by the Miami-Dade Police Department.<<

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: April 24, 2007

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Jess M. McCarty