Agenda Item No. 14(A)(11)

07-24-07

Approved _____ Mayor
Veto _____
Override _____

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-900-07

RESOLUTION APPROVING SECURITY AREA DESIGNATIONS AS DOCUMENTED IN THE PORT OF MIAMI-DADE FACILITY SECURITY PLAN; AUTHORIZING THE SEAPORT DIRECTOR TO DESIGNATE SEAPORT SECURITY AREAS AND ACCESS REQUIREMENTS AND PROVIDE RELATED SECURITY ENFORCEMENT; AND TO MODIFY AND AMEND THE PORT OF MIAMI-DADE FACILITY SECURITY PLAN WITHIN THE AUTHORITY PRESCRIBED BY FEDERAL, STATE AND COUNTY LAW

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. Approves the security area designations as documented in the Port of Miami-Dade Facility Security Plan, in substantially the form attached hereto and made a part hereof.

Section 2. Authorizes the Director of the Seaport Department to designate seaport security areas and access requirements and provide related security enforcement; and to modify and amend the Port of Miami-Dade Facility Security Plan within the authority prescribed by federal, state and county law.

The foregoing resolution was offered by Commissioner Jose "Pepe" Diaz, who moved its adoption. The motion was seconded by Commissioner Rebeca Sosa and upon being put to a vote, the vote was as follows:

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Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	absent	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of July, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. JMM

By: KAY SULLIVAN
Deputy Clerk

Jess M. McCarty

Memorandum

MIAMI-DADE COUNTY

Date: July 24, 2007

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

From: George M. Burgess
County Manager

Agenda Item No. 14(A)(11)

Subject: Resolution Approving Security Area Designations for the Dante B. Fascell Port of Miami-Dade

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Recommendation
It is recommended that the Board approve the accompanying resolution approving security area designations at the Port of Miami, and authorizing the Seaport Director to designate seaport security areas and access requirements and provide related security enforcement; and to modify and amend the Port of Miami-Dade Facility Security Plan within the authority prescribed by federal, state and county law.

Scope
The Port of Miami is located within District 5 – Chairman Bruno A. Barreiro. The impact of this agenda item is countywide as the Port of Miami is a regional asset and generates employment for residents throughout all of Miami-Dade County.

Fiscal Impact/Funding Source
This resolution has no fiscal impact.

Track Record/Monitor
The Port of Miami-Dade is subject to annual inspections by the United States Coast Guard (USCG) and the Florida Department of Law Enforcement (FDLE), as the inspection agent representing the Governor's Office of Drug Control (GODC). Florida Statutes established an aggressive January 1, 2007 timeline for implementation of the security area designations as described in F.S. 311.111. The Port of Miami has recently completed a total rewrite of its Facility Security Plan and submitted it to the Coast Guard and the Governor's Office of Drug Control for review and approval. Other seaports throughout the state are also in the process of gaining approval for their FSP's.

Seaport contact responsible for security of the port is Bill Johnson, Port Director. James Maes, Assistant Director of Safety and Security, is designated as the Facility Security Officer and responsible for the Port of Miami-Dade Facility Security Plan.

Background
A change in the Florida Statutes implemented in July 2006, requires the governing board of a seaport to approve security area designations. For Miami-Dade County, the governing board of the seaport is the Board of County Commissioners.

> Specifically, Section 311.111, Florida Statutes, provides that each seaport authority or governing board of a seaport identified in s. 311.09 (*Includes Port of Miami*) that is subject to the statewide minimum seaport security standards in s. 311.12 shall clearly designate in seaport security plans and clearly identify with appropriate signs and markers on the premises of a seaport certain security area designations, access requirements, and corresponding security enforcement authorizations.

As a security document mandated by Maritime Transportation Security Act of 2002, the Port of Miami Facility Security Plan (FSP) is marked as Sensitive Security Information, which is controlled under the provisions of 49 CFR §1520. The FSP, as a security document required under F.S. 311, is protected under F.S. 252.34(3) and 119.07(3)(d). As such, the information in the FSP is confidential information and is exempt from public disclosure under the provisions of §(1) and §24(a), Article 1 of the State Constitution.

For the purposes of complying with the F.S. 311.111 requirements for approval by the Board of County Commissioners, the following summary describes security areas of the seaport. Although the area designations are protected as written in the Facility Security Plan, Restricted Access Areas are marked with signs at access control points to be readily discernable by the public.

(1) UNRESTRICTED PUBLIC ACCESS AREA. Areas on Dodge/Lummus Island that comprise the POM that are not specifically designated as a RAA are otherwise designated Public Access Areas. Public Access Areas are subject to regulatory compliance within the scope of 33 CFR §105 and F.S. 311.12 standards and are subject to screening and inspections of vehicles and persons.

a. Specific public access areas of note:

1. POM Administration Offices (1001, 1007, and 1015 North America Way)

2. Royal Caribbean International (RCI) Headquarters Buildings at 1050 and 1080 Caribbean Way

3. Parking lots and traffic lanes serving public access to cruise terminals

(2) RESTRICTED PUBLIC ACCESS AREA. F.S. 311.111 authorized cruise terminals to be further designated as Restricted Public Access Areas. At the POM, Restricted Public Access Area designation of active cruise terminals enables the public to access the terminal(s) for authorized purposes such as checking in for their cruise. The general public does not require a seaport credential, but are subject to a ticket and identification card screening upon entry into the terminal. Passengers and their luggage must pass through an airport type security screening process prior to embarking the cruise ship.

(3) RESTRICTED ACCESS AREAS (RAA) on the POM generally fall into three categories: (a) Cargo RAA, (b) Critical Infrastructure RAA, and (c) Cruise RAA:.

a. Cargo RAA:

1. The Cargo RAA begins at the POM main gates. It encompasses the yards of the three terminal operating companies on the Seaport (POMTOC, APM Maersk, and Seaboard). It includes the waterside stringpiece (wharf) on the north side of the seaport from the Bay 55 access gate eastward to the end of the seawall. On the south side, it includes the length of the waterside stringpiece, including the Gantry Crane area, from the Biscayne Bay Pilot Station to the Security fence just west of the Fisher Island Gate. The cargo RAA is surrounded by security fencing and gates providing restricted access for operations and maintenance around its perimeter.

2. Shed B is a cargo RAA.

3. Marine Spill Response Corporation (MSRC) at 1020 Port Boulevard is designated a Restricted Access Area under F.S. 311.12. It is not required to have or maintain a Coast Guard approved FSP under MTSA. The Port of Miami and MSRC are requesting an equivalency waiver from FDLE to allow MSRC to provide its own security that is sufficient to operate in compliance with Coast Guard vessel and facility security regulations under MTSA.

b. Critical Infrastructure RAA:

1. Port Bridge Parking lot: The Port Bridge is critical infrastructure without which the seaport could not effectively function. To protect the bridge footings that support the bridge, the fenced parking lot under the POM Bridge is a RAA.

2. Port Railroad Bridge and Old Port Bridge are critical infrastructure. The fence surrounding the bridge landings on Dodge Island and on the west side of the Intracoastal Waterway near Bayside defines the RAA.

c. Cruise RAA:

1. North Side Cruise RAA: This RAA begins at the waterside stringpiece (*wharf area*) under the POM Bridge and extends to the north and east along the stringpiece on the north side of the seaport to the Bay 55 access gate. It is bounded by the fence line that surrounds the RAA and encompasses cruise terminals B, C, D, E, 10, F, and G.

2. South Side Cruise RAA: This RAA begins at the waterside stringpiece just west of the Fisher Island Gate and continues to the west to the security fence separating Terminal J from Royal Caribbean Headquarters. It is bounded by the fence line that surrounds the RAA and encompasses cruise terminal J.

(4) SECURED RESTRICTED ACCESS AREAS are not designated at the Port of Miami.

(5) TEMPORARY DESIGNATION is not designated in the FSP and would only be applicable in extraordinary circumstances as described in the statute language above.

The Port of Miami-Dade Facility Security Plan implements access requirements and corresponding security enforcement authorizations as set forth in Chapter 28A, Code of Miami-Dade County, and various federal and state laws, which define penalties for violation of these security areas. Signs are posted at access control points to advise visitors and workers of restrictions and conditions of entry, including notice of the prohibition on possession of concealed weapons and that persons and vehicles are subject to inspection.

Ysela Llort
Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: July 24, 2007

FROM: R.A. Cuevas, Jr. Acting County Attorney

SUBJECT: Agenda Item No. 14(A)(11)

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