

MEMORANDUM

Agenda Item No. 11(A)(6)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging President Joseph R. Biden, Jr., Attorney General Merrick B. Garland, Federal Bureau of Investigation Director Christopher A. Wray, Transportation Security Administration Administrator David P. Pekoske, Department of Homeland Security Secretary Alejandro Mayorkas, and Department of Transportation Secretary Pete Buttigieg to include any person convicted of an on-board flight disruption on a national, comprehensive, unruly passenger "no-fly" list

Resolution No. R-272-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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)(6)
3-15-22

RESOLUTION NO. R-272-22

RESOLUTION URGING PRESIDENT JOSEPH R. BIDEN, JR., ATTORNEY GENERAL MERRICK B. GARLAND, FEDERAL BUREAU OF INVESTIGATION DIRECTOR CHRISTOPHER A. WRAY, TRANSPORTATION SECURITY ADMINISTRATION ADMINISTRATOR DAVID P. PEKOSKE, DEPARTMENT OF HOMELAND SECURITY SECRETARY ALEJANDRO MAYORKAS, AND DEPARTMENT OF TRANSPORTATION SECRETARY PETE BUTTIGIEG TO INCLUDE ANY PERSON CONVICTED OF AN ON-BOARD FLIGHT DISRUPTION ON A NATIONAL, COMPREHENSIVE, UNRULY PASSENGER “NO-FLY” LIST

WHEREAS, the responsibility for domestic air transportation security is vested collectively in the following Executive Branch departments and agencies: the Transportation Security Administration, the Department of Homeland Security, the Department of Justice/Office of the U.S. Attorney General, the Federal Bureau of Investigation, the Department of Transportation, and the Federal Aviation Administration (“FAA”); and

WHEREAS, the power of the Executive Branch is vested in the President of the United States; and

WHEREAS, a “no-fly” list is one of the means by which the Executive Branch departments and agencies have sought to protect aircraft, aircraft passengers, and the public; and

WHEREAS, on January 13, 2021, the FAA Administrator issued an Order noting that the FAA has recently observed a proliferation of unruly conduct, conduct which threatens the safety of aircraft, and conduct that interferes with crewmembers’ performance of duties aboard aircraft, and announced a special emphasis enforcement program to more effectively address and deter such conduct through the initiation of civil penalty actions against passengers who engage in such conduct; and

WHEREAS, on November 24, 2021, the U.S. Attorney General Issued a memorandum directing all United States Attorneys to prioritize prosecution of federal crimes occurring on commercial aircraft that endanger the safety of passengers, flight crews, and flight attendants; and

WHEREAS, on February 3, 2022, the Chief Executive Officer of Delta Airlines sent a letter to the U.S. Attorney General informing him that the rate of incidents of unruly passengers on Delta aircraft has increased nearly 100 percent since 2019 and requesting support for Delta’s “efforts with respect to the much-needed step of putting any person convicted of an on-board disruption on a national, comprehensive, unruly passenger ‘no-fly’ list that would bar that person from traveling on any commercial air carrier”; and

WHEREAS, Miami-Dade County, as the owner and operator of Miami International Airport (“MIA”), has also recently observed a proliferation of unruly conduct at MIA and on aircraft arriving to and departing from MIA; and

WHEREAS, such conduct jeopardizes the safety, security, and efficiency of air transportation; and

WHEREAS, this Board supports the inclusion of passengers who have been convicted of engaging in such conduct on a national, comprehensive, unruly passenger “no-fly” list,

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

Section 1. Urges President Joseph R. Biden, Jr., Attorney General Merrick B. Garland, Federal Bureau of Investigation Director Christopher A. Wray, Transportation Security Administration Administrator David P. Pekoske, Department of Homeland Security Secretary Alejandro Mayorkas, and Department of Transportation Secretary Pete Buttigieg to include any person convicted of an on-board flight disruption on a national, comprehensive, unruly passenger “no-fly” list that would bar that person from traveling on any commercial air carrier.

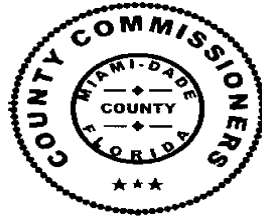
Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the President of the United States, to the Members of the Florida Congressional Delegation, to the Secretary of the Department of Homeland Security, to the U.S. Attorney General, to the Director of the Federal Bureau of Investigation, to the Administrator of the Transportation Security Administration, to the Secretary of the Department of Homeland Security, and to the Secretary of the Department of Transportation.

Section 3. Directs the County’s federal lobbyists to advocate for the action set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2022 Federal Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	nay
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of March, 2022. 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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

RCZ

Ryan C. Zagare