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Miami Dade Aviation Department
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SUPREME COURT & COUNTY CLERK
MIAMI-DADE COUNTY, FLA.
#1

OPERATIONAL DIRECTIVE
NO. 18 – 01
Effective: 3-28-18

SUBJECT: WAIVER OF AUTOMOBILE LIABILITY INSURANCE FOR CERTAIN AIRPORT USERS AT MIAMI INTERNATIONAL AIRPORT AND GENERAL AVIATION AIRPORTS

PURPOSE To establish policy and procedures to facilitate the waiver of automobile liability insurance for airport users that do not use a vehicle while performing work while on any portion of Miami International Airport (MIA) or a General Aviation Airport (GAA).

I. AUTHORITY

- A. Operational Directive (OD) No. 99-02, Operational Directives.
- B. Operational Directive (OD) No. 99-03, Written Directive System.
- C. Miami-Dade County Code, Miami-Dade Aviation Department Rules and Regulations, Chapter 25.
- D. Miami-Dade County Resolution R-737-16, Ground Transportation Services Contract
- E. Miami-Dade County Resolution R-273-15, Sub-Lessee at Aviation Facilities Purchase Insurance

II. DEFINITIONS

- A. *AOA* – “*Air Operations Area*” – Any area of the Airport identified by the Department and used or intended to be used for landing, taking-off or surface maneuvering of aircraft.
- B. *Airport User* – Any user of MIA or a GAA under authorization from the Aviation Department (MDAD), which includes authorization under a lease, license, permit, concession agreement, or other written document.
- C. *Any Auto Coverage* – The broadest coverage and includes all autos being used by the business entity.

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- D. *Hired Auto* – Those autos that are leased, hired, rented, or borrowed by the named insured. This does not include any auto leased, hired, rented, or borrowed from employees or members of their households.
- E. *Non-Owned Autos Only* – Those autos owned, leased, hired or borrowed by the named insured which are used in connection with business. This includes autos owned by the named insured's employees or members of their households, but only while used in the named insured's business.
- F. *Scheduled Autos* – Each vehicle that is used in a business which has been separately "*scheduled*", or listed on insured's policy along with corresponding coverage.

III. POLICY

An Airport User whose agreement with MDAD requires liability insurance for its vehicles but the Airport User does not in fact use vehicles while performing any work on any portion of MIA or a GAA may request a waiver of such requirement through the established procedures in this Directive. If granted, the automobile waiver is valid for a one year period from the date the waiver is granted and must be renewed annually.

IV. EXAMPLES OF AUTOMOBILE USES THAT COULD JUSTIFY A WAIVER

- A. The Airport User performs highly specialized work for the Aviation Department and uses leased/rental vehicles with sufficient automobile liability coverage (\$300,000 non-AOA and \$5,000,000 AOA) through the car leasing/rental car agency under the Airport User's name.
- B. The Airport User does not own, lease, rent or hire any automobile to conduct business on airport property.
- C. The Airport User is a Contractor or Vendor that drives on a limited basis to attend meetings, or makes specialized inspections at facilities on the airport premises but not on the AOA.
- D. The Airport User's products or goods are delivered by common carrier or contract carrier or other insured delivery means.

V. PROCEDURES FOR REQUESTING AN AUTO INSURANCE WAIVER

- A. The Airport User must submit the Request for Waiver of Automobile Liability Insurance (Request) (See Annex A) to the MDAD Division that provides

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- oversight or approval activity for the Airport User. The Request must be accompanied by a Letter on the Airport User's letterhead setting forth the reasons justifying the request (See Annex B for a sample letter). Both the Request and the Letter must be signed by an authorized official of the Airport User.
- B. The Request and Letter are reviewed by the MDAD Division having oversight or approval responsibility for the Airport User.
- C. The MDAD Division submits relevant documents to MDAD's Risk Management Division for review. The documents to be included are:
1. Completed Request submitted by Airport User.
 2. Copy of the lease, license, permit, or other agreement.
 3. Any automobile certificates of insurance provided by a third party (if submitted by the Airport User).
 4. Comments by the MDAD Division as to the legitimacy of the request and the justification for approving it.
- D. MDAD's Risk Management Division reviews the Request and the Letter with any other documents submitted, and either approves or denies the request. The MDAD Division that submitted the waiver request will be notified of the decision. If the automobile liability waiver is denied, Risk Management will provide a reason for the denial.
- E. MDAD Risk Management reserves the right to withdraw any previous approval based on valid and reasonably reliable information received from any source.

VI. AMENDMENTS

The Department reserves the right to amend this Operational Directive at any time and from time to time.

VII. REVOCATION

Revocations and removal of established Operational Policies requires written justification by requesting division management for review and concurrence by the MDAD Professional Compliance Division. Upon written concurrence, the revocation request will be submitted, by Professional Compliance, for approval by the Aviation Director. Should the written directive be an Operational Directive,

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the authorized revocation justification will be sent to the Clerk of the Board for filing with the original Operational Directive under revocation. All approved revocation justification memoranda shall be posted to the Written Directives Log to identify why the directive has been revoked to maintain ongoing operational accountability.


VIII. SEVERABILITY

If any court of competent jurisdiction determines that a provision of this operational directive is illegal or void, the remainder of this OD shall continue in full force and effect. If such court rules that any charge, fee, or security deposit requirement is illegal or void, the Aviation Director is authorized and directed to impose a charge, fee, or security deposit requirement that complies with the court order or applicable provisions of law, which shall become effective on the date of imposition and shall continue until modified by the Miami-Dade County Board of County Commissioners.

IX. EFFECTIVE DATE

This operational directive shall become effective 15 days subsequent to its filing with the Clerk of the Circuit Court as Clerk of the County Commission. This operational directive shall remain in effect until revoked or amended.

V. CROSS REFERENCES None



Lester Sola, Aviation Director
Date: 3/9/18

Attachment:
Annex A – Request for Waiver of Automobile Liability Insurance



REQUEST FOR WAIVER OF AUTOMOBILE LIABILITY INSURANCE

Date: _____

To: **MDAD – Risk Management Division**

From: _____
(Company's Name)

Lease Permit License Other _____
 # _____ # _____ # _____ # _____

The Company acknowledges that it has a lease, permit, license, or other authorization issued by the Miami-Dade Aviation Department (MDAD) that allows the Company to do business at Miami International Airport and/or at the General Aviation Airport Facilities. The Company also acknowledges its obligation to provide automobile liability insurance coverage for all vehicles used by the Company, the Company's employees, or other agents in conjunction with the Company's business at the Airport, and that the basic automobile liability insurance coverage of \$300,000 is increased to \$5,000,000 at MIA (or \$1,000,000 at GA Airports) if such vehicles operate on the Air Operations Area (AOA).

The Company hereby confirms that neither the Company nor its employees or nor agents will use any vehicle on any portion of the Airport (General Aviation Airport Facilities, included)—whether AOA or otherwise—for the performance of the Company's business on airport property.

Accordingly, the Company hereby requests that MDAD waives the automobile liability insurance coverage obligation.

The Company is aware that, if the foregoing confirmation no longer applies, and if the Company, or any employee or agent of the Company, uses a vehicle—whether owned, leased, or borrowed by the employee or agent—to perform work of the Company while on airport property, the Company must provide the automobile liability insurance coverage in the Company's name for that vehicle, or else the Company's lease, permit, license, or other authorization may be terminated. Alternatively, the Company must submit proof of insurance coverage for the vehicle in the name of the employee or agent, which MDAD may or may not accept, depending on MDAD's review of the insurance coverage; if MDAD does not accept such alternative insurance coverage, the Company is aware that it shall not allow the employee or agent to operate the vehicle on airport property.

Signature: _____

(Name of Authorized Person): _____

Title: _____

Witness: _____

APPROVAL OF WAIVER REQUEST: Based on the foregoing confirmation of the Company that no employee or agent will use a vehicle on Miami International Airport or its General Aviation Airport Facilities to perform any part of Company's business on the airport, the Company's request for a waiver of its obligation to provide automobile liability insurance coverage is **GRANTED**. This waiver is valid for one year from the date the waiver is granted.

Signature: _____

Name: _____

Title: _____

Date: _____

SAMPLE LETTER
(MUST BE ON COMPANY LETTERHEAD)

Date:

Miami-Dade Aviation Department
Office of Risk Management
P.O. Box 025504
Miami, Florida 33102-5504

Re: Waiver of Auto Insurance Requirement

To Whom It May Concern:

This is to request an exemption from Miami-Dade Aviation Department's Automobile Liability Insurance requirement. Our organization has no vehicles used in the performance of our business on the airport. None of our employees or agents make use of a vehicle in the performance of our business on the airport.

Sincerely,

Sign Here