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Miami Dade Aviation Department
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<http://www.miami-airport.com>

OPERATIONAL DIRECTIVE NO. 23 - 01
Effective: May 13, 2023

SUBJECT: Permits for First Amendment Activities at MDAD Airports

PURPOSE: To establish a uniform policy for Permits for First Amendment Activities at MDAD Airports and to address violations of Permits by groups or organizations conducting First Amendment Activities at MDAD Airports

I. AUTHORITY:

- A. Chapter 25-1.2 – Miami-Dade County Code, Chapter 25 Miami-Dade Aviation Department Rules and Regulations
- B. Chapter 25-2.2 – Miami-Dade County Code, Chapter 25 Miami-Dade Aviation Department Rules and Regulations (“The Director shall have the authority to prescribe from time to time restrictions applicable to First Amendment activities at the Airport.”)
- C. Operational Directive No. 99-03, Aviation Department Written Directive System.
- D. Operational Directive No. 99-2, Aviation Department Operational Directives

II. DEFINITIONS:

- A. First Amendment – the First Amendment to the United States Constitution
- B. MDAD – Miami-Dade Aviation Department

III. POLICY:

- A. Pursuant to the authority vested by Section 25-2 of the Miami-Dade County Code, it is the policy of MDAD to prescribe reasonable restrictions on First Amendment activities at the MDAD Airports to assure the safe and orderly use of the Airport facilities by the public. MDAD makes such prescriptions through a standard permit issued pursuant to Chapter 25.
- B. Among other things, MDAD’s standard permit for First Amendment Activities prohibits the use of audio speakers or music because it has been found that the use of audio speakers or music interferes with, among other things, the

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ability of passengers to hear important announcements at the Airports and the ability of MDAD staff to efficiently manage the flow of passengers and traffic. For similar reasons, MDAD's standard permit designates certain zones for First Amendment activities, places reasonable limits on the number of people who may gather in a certain location, and restricts persons conducting First Amendment activities from engaging in any activity that blocks the public's ingress or egress from the Airport facilities. MDAD's standard permit does not, however, currently provide for a consequence for violating the terms of the permits, and MDAD has received numerous complaints that persons conducting First Amendment activities at MDAD airports have violated the terms of their permits, sometimes repeatedly.

- C. Accordingly, MDAD's standard permit for First Amendment Activities will provide for consequences for First Amendment permit violations, and will include the following language in bold font:

“If the Aviation Department finds that a group or organization violated any of the terms of its First Amendment permit, the group or organization will not be permitted to conduct First Amendment activities at the County’s Airports for a period of one year from the date of the violation.”

IV. AMENDMENTS:

The Department reserves the right to amend this operating policy at any time based on current law, Miami-Dade County policies and operating needs.

V. REVOCATION:

Revocations and removal of established Department policies requires written justification by requesting division management for review and concurrence by the Department's 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, 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 Department's Written Directives Log to identify why the directive has been revoked to maintain ongoing operational accountability.

VI. SEVERABILITY:

If any court of competent jurisdiction determines that any provision in this policy is illegal or void, that provision shall be nullified and the remainder of this policy shall continue in full force and effect. If such court rules that any charge, fee, or security

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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.

VII. 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.

Approved By:



Ralph Cutié, Aviation Director

Date: 4/28/23