



OPERATIONAL DIRECTIVE NO. 99-2

Effective: May 14, 1999

Last Modified: JAN 08 2001

SUBJECT: OPERATIONAL DIRECTIVES (ODs)

PURPOSE: To establish uniform policies and procedures for the development, establishment, modification and maintenance of the Aviation Department Operational Directives.

BACKGROUND:

Chapter 25, Aviation Department Rules and Regulations, authorizes the Aviation Director to promulgate rules and regulations for the operation of the airports. Chapter 25 has undergone several revisions since its inception. The first major revision took place in December 1975 with the adoption of Ordinance 75-113. The ordinance created Operational Directives as:

...an order issued by the Director bearing the designation 'Operational Directive' and requiring specific operational procedures or prohibiting specific operations or types of operations, onto or from an Airport; or establishing designated and restricted uses of various areas of the Airport.

In May 1988, Ordinance 88-37 added clarification as to the Aviation Department's authority to issue Operational Directives by adding:

The Aviation Department, through its Director, or his authorized designee, may from time to time cause to be issued operational directives applicable to any Airport. If any operational directive contains a requirement that fees or charges be paid for any operation on or use of the Airport as defined in such operational directive, the board shall separately establish such fees and charges.

In May 1995, Ordinance 95-41 revised Chapter 25 to its current status. The revisions eliminated the Aviation Director's authority to delegate authority to authorize Operational Directives, and established the requirement that Operational Directives be in writing. The Ordinance also established Operational Directives as Rules and Regulations by stating that:

‘Rules and Regulations’ shall mean the Dade County Aviation Department Rules and Regulations, as codified in Chapter 25, Code of Metropolitan Dade County, Florida, including Operational Directives issued thereunder.”

The current text of the relevant sections of the County Code is set forth below in Section I.

Historically, Operational Directives were promulgated by operating divisions of the Aviation Department and revised as required. Copies of the Operational Directives were maintained by the operation Divisions. Operational Bulletins were also issued; however, there does not appear to have been any difference between Operational Directives or Operational Bulletins. Reorganizations of the Department resulted in the Operational Directives being maintained by Security and Safety Office of the Facilities Management Division. As of February 1999, the changes in authorization requirements mandated in Ordinance 95-41 had not been fully implemented. Also, as there are no provisions for sunset review, the Operational Directives issued in the 1970’s remain in force.

I. AUTHORITY:

The authority for Operational Directives is Chapter 25 of the Miami-Dade County Code, Aviation Department Rules and Regulations which in part states:

A. Section 25-1.1 of *Definitions*

(30) ‘Operational Directive’ shall mean a written order issued by the Director bearing the designation “Operational Directive” and requiring specific operational procedures or prohibiting specific operations or types of operations, onto or from an Airport; or establishing designated and restricted uses of various areas of an Airport, and enforceable under Section 21-1.2 (c).

(37) ‘Rules and Regulations’ shall mean the Dade County Aviation Department Rules and Regulations, as codified in Chapter 25, Code of Metropolitan Dade County, Florida, including Operational Directives issued thereunder.

B. Section 25-1.2 *Applicability of rules and regulations; Operational Directives*

Any permission granted a person by the Board, Department or Director, directly or indirectly, expressly or by implication, to enter upon or use an Airport or any part thereof, is conditioned upon compliance with these rules and regulations and Operational Directives and the payment of any fees or charges established or authorized by the Board, or, if authorized, by the Director, and payable to

the County for use on an Airport or any facility located thereon, including any such fees or charges established by the Director and payable to a lessee, management contractor, concessionaire, permittee or franchise holder of the County, or an approved authorized subcontract thereof, for services rendered to such persons; and entry upon or into an Airport by any person shall be deemed to constitute an agreement by such a person to comply with such rules and regulations and to pay such fees and charges.

It shall be unlawful for any person to do or commit any act forbidden by or to fail to perform any act required by these rules and regulations or to fail to pay any fees established and payable pursuant to subsection 25-1.2 hereof.

The Department, through its Director, may from time to time cause to be issued Operational Directives applicable to any Airport. If any such Operational Directive contains a requirement that fees or charges be paid for any operation on or use of an Airport as defined in the Operational Directive, such fees and charges shall be established in accordance with the provisions of subsection 25-1.2 (a) hereof (Ord. No. 88-37, § 2, 5-3-88; Ord. No. 95-41, §§ 36, 37, 3-7-95).

C. Chapter 2 Article I, Administration

Section 2-3. Rules and Regulations of County Agencies- Filed with Clerk of Circuit Court

Every officer, board, commission, department, or other agency authorized to adopt, promulgate and enforce rules and regulations shall file a copy of all such rules and regulations and amendments thereto in the Office of the Clerk of the Circuit Court as Clerk of the County Commission. (Ord. 58-3, § 1,2-12-58).

Section 2-4. Same - Not effective until filed

No rule or regulation adopted on or after July 1, 1958, shall take effect or be enforceable, except as herein provided, until fifteen (15) days after the filing thereof as required by Section 2-3. No rule or regulation adopted before July 1, 1958, shall be effective or enforceable after July 1, 1958, until it shall be filed with

the Clerk of the Circuit Court as Clerk of the County Commission. (Ord. 58-3. § 2, 2-12-58).

II. DEFINITIONS: None.

III. POLICY:

A. Operational Directives

It is the policy of the Aviation Department that existing ODs and Operational Bulletins promulgating rules and regulations for the operation of the airports be reviewed for applicability, revised as necessary, be signed by the Director, and filed in accordance with the County Code. All new ODs will:

1. be signed by the Director,
2. contain an effective date and severability,
3. contain a sunset review provision, if applicable,
4. be updated on an as-needed basis and maintained as an electronic document to be viewed on line by the Department Information Systems users, and
5. be filed with the Clerk of the Circuit Court as Clerk of the County Commission, as required by Sections 2-3 and 2-4 of the County Code.

B. Precedence of Laws and Directives

All ODs will be written to comply with Federal Law, Florida Statutes, and Miami-Dade County Ordinances, Resolutions, and Orders. Conflicts will be resolved in favor of the superior directive as listed below in descending order of precedence:

1. Federal Laws
2. State Laws
3. County Ordinances
4. County Resolutions
5. County Rules
6. County Orders
7. County Procedures
8. Aviation Department Operational Directives
9. Department Standard Operating Procedures
10. Director's Written Directives (departmental memoranda)
11. Subordinate Standard Operating Procedures
12. Subordinate Written Directives (memoranda)

IV. GUIDELINES:**A. Preparing Operational Directives**

ODs will be prepared by the Division or staff element having the primary responsibility for the activity to be regulated in draft using the standard format contained in this OD.

B. Draft Copy

A draft copy of the OD will be provided to the Professional Compliance Division (PCD) of the Director's Office for staff review. After initial review, PCD will:

1. review for conflicts with existing written directives,
2. recommend changes if appropriate,
3. distribute the draft for comments to the Deputy Director, Assistants, Associate Directors, and technical and management staff having a direct material interest in the proposed OD,
4. collect, analyze and synthesize staff comments, and make appropriate changes,
5. prepare final copy on departmental letterhead,
6. forward to the Director for signature,
7. record the document bearing the Director's original signature with the Clerk of the Circuit Court,
8. return the recorded document with the effective date to the originating Division, and
9. keep the most current version of the OD for inclusion in the Departmental Manual.

C. Public Dissemination

The originator of the OD will make proper distribution of the official document and will also provide an electronic file copy to the Information Systems Division to be posted in an application providing public dissemination of the OD.

D. Routine Revisions

1. ODs shall be reviewed and updated as need arises. Revisions must also be submitted to the PCD for the same review process indicated in B above.
2. The number assigned to the original OD will remain unchanged but the effective date will be 15 days after the new recording with the Clerk's Office.
3. The responsibility for public dissemination remains with the originating Division as indicated in C above.

E. Transition Period

All ODs existent at the time of the approval of this OD will remain in force for a period of one year. During that time, the concerned divisions are to update and revise those documents to be in compliance with this OD.

F. Effective Date

The effective date of ODs will be 15 days after recording the document with the Clerk of the Circuit Court as Clerk of the County Commission. Unless otherwise stated in the document, these procedures will remain in effect until revoked or modified.

G. Amendments

The Department reserves the right to amend ODs at any time and from time to time and copies of such amendments will be mailed to all affected parties who register with the Aviation Department.

V. SUNSET PROVISIONS:

As there are no provisions for Sunset review, the ODs issued in 1970's remain in force.

VI. SEVERABILITY:

If any court of competent jurisdiction determines that any provision in this OD is illegal or void, the remainder of the OD shall continue in full force and effect.

VII. FORMAT:

- OPERATIONAL DIRECTIVE No. (right aligned on top)
- Effective: (right aligned below and left blank)

- SUBJECT: (title of the document)
- PURPOSE: (the purpose of the OD is a statement of general coverage and must clearly and briefly summarize what the OD is to accomplish)
- BACKGROUND: (if applicable)
- I. AUTHORITY: (official document/s empowering the Director to issue the OD)
- II. DEFINITIONS: (if applicable)
- III. POLICY
- IV. GUIDELINES OR PROCEDURES:
- V. SEVERABILITY:
- VI. SUNSET PROVISION: (if applicable)
- **Authentication Section** which includes:
 - REVOCATION
 - CROSS REFERENCE
 - Signature block and date

REVOCATION: None.

CROSS REFERENCE: None.

(Original signed)

Gary J. Dellapa, Aviation Director

Date: December 15, 2000