

Joseph M. Centorino, Inspector General

MEMORANDUM

To: Honorable Mayor and Members of the City Commission From: Joseph M. Centorino, Inspector General

- Date: 07/28/2023
- Re: Review of La Gorce Island Security Gate Complaint OIG No. 23-13

Complaint:

A complaint was filed with the Office of Inspector General alleging that personnel at the La Gorce Island security gate were improperly impeding access to the island. The complainant alleged that he had been stopped and interrogated by a security gate employee who asked him why he was entering the island and where he was going. The complainant also claimed that an African American male, a friend of his, was similarly stopped by a guard at the guard house and prevented from entering the island on a weekend. Allegedly, this person was told that the "association doesn't allow workers in on weekends."

Review:

LaGorce Island is a residential community that is accessed through a guardhouse. Unlike the special taxing districts of Normandy Shores, Stillwater, Biscayne Point and Allison Island, all of which have security guard houses managed by the City, LaGorce Island is not a special taxing district and, therefore, not managed by the City. The streets within LaGorce Island are public ways.

The City provides Post Orders to the special taxing districts which detail how the guards are to interact with members of the public who want to access the islands. It is the City's responsibility to ensure that access to public roads is not unduly restricted or denied. The OIG contacted Sixto Martinez, Manager of Security Operations, for the Miami Beach Police Department and requested copies of the current Post Orders for security guardhouses. Mr. Martinez stated: "...it is the City's responsibility to ensure that access to public roads is not restricted or denied...gated communities with public roads cannot ask why you want to enter or deny anyone entry into the community."

The OIG reviewed the Post Orders that are given to the guardhouses in special taxing districts and have attached them as Exhibit A. Mr. Martinez advised that the homeowners associations in the special taxing districts have been given copies of the Post Orders.

The City does not manage the guardhouse at the entrance to LaGorce Island, but has advised the LaGorce Homeowner's Association that it cannot restrict access to the roads on the island. In an email dated 12/14/2021 to the LaGorce Island Homeowner Association Manager, Ms. Esther Egozi, Captain J. Campbell of the Miami Beach Police Department stated the following:

"...Our department received a complaint recently from someone who noticed that a guard working for one of the islands within our city unlawfully required guests to present ID in order to enter the island. We are informing ALL HOA presidents and/or security supervisors that the guards cannot "require" ID to enter the islands, because those are public roadways. No attempt should be made to prevent anyone from entering the community. If the guard (or any resident) has a reason to believe that someone is entering the community to commit a crime, he/she should call MBPD to respond. It is lawful for a guard to have a consensual encounter/conversation with the unknown guest and offer assistance to give them directions to where they're going..."

The OIG spoke with Ms. Esther Egozi and obtained a current copy of the Post Orders provided to the security personnel by Allied Universal, the private security company hired by the LaGorce HOA. The orders are dated January 1, 2023. A copy of the post orders is attached as Exhibit B. It is noteworthy that the guards are trained to ask the following questions:

CHALLENGE QUESTIONS TO STALL SUSPICIOUS PERSONS

- a. Who are you coming to see?
- b. What address or house number?
- c. Do they know you are coming?
- d. Would you like us to place a courtesy call to alert them of your arrival?
- e. Have you been here before? Do you know how to get there?
- f. After assessment call MBPD if still suspicious.

The OIG sent the LaGorce Island Post Orders to Assistant City Attorneys Mark Fishman and Rob Rosenwald to determine whether they were legally enforceable. Both lawyers agreed that a momentary pause to take down the vehicle's tag so as not to impede or obstruct access to a public street or roadway is reasonable. However, it is not allowable to direct a driver to roll down the vehicle window, answer questions about his/her purpose, and/or who he/she is going to see. Additionally, the Post Orders have a provision that prohibits video or photography on the island. According to Mr. Fishman, the "no video or photography" prohibition is illegal.

The OIG conveyed this information to Ms. Egozi and identified for her the problematic portions of the Post Orders. It was agreed that she would contact board member, Mr. Dennis Kainen, to discuss the matter further with the OIG in an effort to obtain compliance. The OIG spoke with Mr. Kainen, who asked for time to fully research the issue before agreeing to a change in the Post Orders.

In the interim, Assistant City Attorney Mark Fishman sent Ms. Egozi detailed correspondence regarding the Florida Statutes that were being violated. In the letter, Mr. Fishman stated, in part:

Section 316.2045 of the Florida Statutes provides that persons may not wilfully obstruct the free, convenient, and normal use of a public street, highway, or road by either impeding, hindering, stifling, regarding or restraining traffic; or by standing or remaining in the street, highway, or road; or by endangering the safe movement

of vehicles or pedestrians traveling on such roads. Fla. Stat. 316.2045(1)(a)1-3, Fla.Stat.(2023). In addition, Fla. Stat 861.01 provides that "whoever obstructs any public road or established highway by fencing across or into the same, or by willfully causing any other obstruction in or to such road or highway, or any part thereof, **shall be guilty of a misdemeanor of the first degree**, punishable as provided in s.775.082 or s. 775.083, and the judgment of the court shall also be that the obstruction be removed." Fla. Stat. 861.01 (2023) (emphasis added).

The complete opinion from the City Attorney's Office that was sent to Ms. Egozi is attached as Exhibit C. However, the OIG notes that the opinion is consistent with the direction given by this office to Ms. Egozi and Mr. Kainen that "...any guidelines, directions, orders, policies or procedures that provide for the lowering of a gate to stop access or to stall "suspicious persons" to obtain identification information, destination information, verify that a resident is there to receive the guest so forth, would run contrary to Florida law because it impedes vehicles or pedestrians from freely traveling on the public streets and roadways." Mr. Kainen has advised the OIG that, although he does not agree with the City Attorney's opinion related to the interpretation of the applicable Florida Statutes, LaGorce Island security guards are "not requesting photo identification for now from visitors coming to the island."

The OIG understands the concerns of the HOA and the residents of LaGorce Island in connection with criminal activity that has taken place on the island. The HOA's perception of the need for vigilance and community awareness on such matters is important to the safety and security of any neighborhood. The utilization of security personnel as part of that vigilance is justifiable, but must be conducted within the bounds of the law.

The OIG recommends that the City periodically ascertain compliance from the LaGorce Island Homeowner's Association, and that the HOA consult with the City Attorney's Office regarding implementation of any new security gate policies to ascertain their legality. However, Mr. Kainen has advised the OIG that the association does not agree to consult with the City Attorney's Office regarding any periodic changes to its security policy.

Additionally, the OIG makes no finding that the HOA, through its guard house, has engaged in intentional acts of discrimination. The OIG interviewed the African American individual who was allegedly denied access. He asked to remain anonymous, and stated he did not believe that the guard house officer had discriminated against him.

This matter is now closed.

Respectfully submitted,

Investic Singer.

Joseph M. Centorino, Inspector General

Date

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Miami Beach Gated Communities

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Biscayne Beach, Biscayne Point, Normandy Shores and Allison Island

SECURITY OFFICER

POST ORDERS

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SECTION 1: ARRIVAL AND CHECK-IN

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1.1 ARRIVAL

- 1.1.1 Arrive on-site *before* the start of your shift.
- 1.1.2 Park only in the assigned area.
- 1.1.3 Arrive completely uniformed, with a neat appearance.

1.2 CHECKING IN

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- 1.2.1 Check that the post and equipment are clean, orderly, accounted for and operational.
- 1.2.2 Question the departing guard and inspect the logbook and any Police Alert Sheets for all information about any previous or continuing problems affecting the post.
- 1.2.3 Call your dispatcher to report starting work, and tell him about any problems or needs.
- 1.2.4 Sign the logbook to record your arrival and start of duty.
- 1.2.5 Place your nameplate in the holder on the guardhouse.

SECTION 2: GENERAL RESPONSIBILITIES AND PROCEDURES

2.1 TRAFFIC HANDLING

- 2.1.1 When any vehicle approaches, *STAND OUTSIDE OF THE GUARDHOUSE*, with the vehicle log clipboard in hand; if it is raining, stand in the doorway.
- 2.1.2 All vehicles without a resident decal, for which you open the gate, *must* be handled as visitors.
- 2.1.3 Handle the Arriving Visitor:
 - 1) DO NOT QUESTION THE VISITOR.
 - 2) Assist the driver as necessary.
 - 3) Record all required vehicle information.
 - 4) Raise gate when it is safe, and when doing so will not cause a conflict with another vehicle.
- 2.1.4 Do not unnecessarily delay motorists, but be sure to follow all post orders.

2.2 KEEPING POST CLEAN

- 2.2.1 Place trash bag(s) out for sanitation truck .
- 2.2.2 Sweep and pick up trash as necessary.

2.3 GATE OPERATION

- 2.3.1 All vehicles must stop before the gate is raised.
- 2.3.2 Keep the gate lowered between vehicles, except while using the restroom.
- 2.3.3 Remove the gate arm if it malfunctions (See Section 4.5, "Malfunctions").
- 2.3.4 Replace the gate arm if broken.

2.4 LIGHTING

Light the outside and the main-area inside lights between sunset and sunrise.

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SECTION 3: RECORD KEEPING

3.1 DAILY REPORTING IN LOGBOOK

- 3.1.1 You <u>must</u> record the following:
 - 1) Visits by County and Guard Company personnel
 - 2) All telephone calls
 - 3) Equipment malfunctions
 - 4) Irregularities
 - 5) All maintenance or repair visits

3.2 TRAFFIC LOGGING

- 3.2.1 For **Visitor's Vehicles** you must record:
 - 1) Arrival time and date
 - 2) Vehicle description
 - 3) License tag number
 - 4) Visible company name
 - 5) Any volunteered destination

3.2.2 For **Pedestrians and Bicycles** you must record:

- 1) Arrival time and date
- 2) Description
- 3) Any volunteered destination

3.2.3 For **Emergency Vehicles** you must record:

- 1) Arrival time and date
- 2) Description
- 3) Agency
- 4) Any volunteered destination

3.2.4 For Official Government Vehicles you must record:

- 1) Arrival time and date
- 2) Government Agency
- 3) Unit number if shown on the outside of the vehicle

(Examples are: Police, Fire, County, City, Postal, School Buses) (Note that this procedure does **NOT** include recording the tag number) 1

3.3 RECORDING INCIDENTS

- 3.3.1 You must write an incident report for:
 - 1) Serious equipment problems
 - 2) Confrontations
 - 3) Any call to have the dispatcher call 911
 - 4) Actual, suspected or potential criminal activity.
 - 5) Any injury or vehicle damage occurring at the post

3.4 MAINTENANCE AND REPAIRS LOGGING

3.4.1 All visits by maintenance, cleaning or repair personnel must be logged, both in the site log book, and on the blue maintenance log sheets.

3.5 WRITING AND HANDLING LOGS AND REPORTS

- 3.5.1 All records must use 24 hour (military) time format
- 3.5.2 Records must be recorded in blue or black ink
- 3.5.3 Only City of Miami Beach and Guard Company personnel may remove records. Refer other persons making such requests to the City of Miami Beach.

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SECTION 4: EMERGENCIES, CONFRONTATIONS AND INCIDENTS

4.1 OBSERVING CRIMINAL ACTIVITY

- e 4.1.1 Keep alert and observe activities around the guardhouse.
 - 4.1.2 Report any observed or suspected violations of the law to the dispatcher.
 - 4.1.3 Record any suspicions, even if you don't call the dispatcher.

4.2 HANDLING CONFRONTATIONS

- 4.2.1 Politely tell anyone demanding that you violate the post orders, "I'm sorry, your request violates my post orders. You may wish to discuss your request with the Special Taxing District Division personnel at 375-2005".
- 4.2.2 Threats or verbal abuse are not to be returned.
- 4.2.3 If you believe that you are, or will be, in physical danger, call your dispatcher.

4.3 HANDLING SUSPICIOUS INQUIRIES

- 4.3.2 Do not provide any information concerning residents.
- 4.3.2 Make an incident report with the details of any non-resident over-inquiring about security or residents.

4.4 HANDLING MALFUNCTIONS/SHORTAGES/BREAKAGES

- 4.4.1 Report **Non-Emergency Problems** by leaving a note for the Dade County Special taxing Division Security Supervisor, or notifying your dispatcher.
- 4.4.2 Report Emergency Problems to your dispatcher.

4.5 CRIME AND SERIOUS INCIDENT HANDLING

4.5.1 Handle **Crime Emergencies** as follows:

- 1) Record details
- 2) Call the dispatcher
- 3) Observe for related activity
- 4) Fill out incident report

4.5.2 Handle Non-emergency Crimes or Traffic Accidents as follows:

- 1) Record details
- 2) Call your dispatcher
- 3) Fill out an incident report

4.5.3 Handle Medical or Fire Emergencies as follows:

- 1) Record details
- 2) Call your dispatcher
- 3) Fill out incident report

4.6 VEHICLE/GATE COLLISIONS AND PROPERTY DAMAGE

- 4.6.1 Check for injuries.
- 4.6.2 Do not summon the police for *unintentionally* damaged gate arms.
- 4.6.3 For any other damage to the facility, have the dispatcher summon the police.
- 4.6.4 Tell any motorist wishing payment for damages that he must wait for the police to be summoned, and that he must submit a claim to the County.
 - 1) Call the dispatcher and have him summon the police
 - 2) Check the vehicle for damage
 - 3) Fill out an incident report
 - 4) Record the case number given by the police
 - 5) Give the driver a claim information sheet or tell him to contact information:

Adrian Morales Property Management 111 NW 1 Street, Suite 1510 Miami, FL 33128-1970 Telephone 375-2005

SECTION 5: PROHIBITIONS

5.1 PROHIBITED EQUIPMENT AND MATERIALS

- 5.1.1 These items are specifically forbidden:
 - 1) Televisions
 - 2) Firearms or weapons
 - 3) Non-business related reading materials
 - 4) Video games
 - 5) Personal telephones
- 5.1.2 Other items will be excluded, as necessary, by the County Security Supervisor.

5.2 **PROHIBITED ACTIVITIES**

- 5.2.1 Do not play music or radio loudly.
- 5.2.2 Do not leave the post before you are relieved.
- 5.2.3 Do not sleep at the post, or appear to be asleep.
- 5.2.3 Do not use the telephone except for emergencies or security business.

5.3 **PROHIBITED INTERACTIONS**

- 5.3.1 Do not permit visitors to remain at the post.
- 5.3.2 Do not provide information to non-residents other than directions. Refer any such requestors to the Special Taxing Districts Division at 375-2005.
- 5.3.3 Do not provide addresses of residents.
- 5.3.4 Do not accept deliveries for others at the guardhouse.
- 5.3.5 Do not smoke while interacting with the public.

5.4 SCOPE OF RESPONSIBILITIES

5.4.1 Restrict your activities to what is in these post orders.

La Gorce Island

Standard Operating Guidelines

January 1,

2023



LA GORCE ISLAND

La Gorce Island

DOCUMENT REVIEW

_____, representing Allied Universal Security Services,

hereby approve these Post Orders.

I, _____

(Signature and Date)

ALL SECURITY OFFICERS WILL BE REQUIRED TO READ THE SPECIFIC AND GENERAL POST ORDERS", ALONG WITH ANY ATTACHMENTS TO THE ORDERS, AND SIGN/DATE YOUR NAME IN SECTION ONE (1) INDICATING THAT YOU HAVE READ AND UNDERSTAND THE REQUIRED DUTIES OUTLINED.

As part of my responsibilities as a Security Officer assigned to this location, I hereby affirm that I have read and do understand the contents of these Post Orders.

Signature Date

La Gorce Island

ARRIVAL ON POST: Security Officers are required to arrive on post 15 minutes before the start of their shift to properly relieve the off-going Officer. Do not forget to sign in on Team Time phone system. Late arrivals will not be tolerated.

Relieved Officers are to remain on post and pass any and all information to the on-going Officer. UTILIZE THIS TIME TO SHARE RELEVANT INFORMATION. CHECK POST DISCREPANCIES, EQUIPMENT DAMAGE, AND REVIEW ANY STANDING ORDERS OR PERTINENT INFORMATION. Take a radio, perform equipment check.

CONDUCT ON POST: All Security Officers are to conduct themselves in a professional manner while on duty. THIS MEANS THAT ALL OFFICERS WILL MAINTAIN A MILITARY BEARING DURING THEIR SHIFT. THEY WILL TREAT ALL PERSONS THEY ENCOUNTER WITH RESPECT, ADDRESS THEM AS SIR OR MA'AM UNTIL A NAME IS ESTABLISHED AND THEN ADDRESS THEM AS MR. OR MRS.

UNIFORM AND GROOMING: All Security Officers shall be neat and clean in appearance while on duty and shall wear only the complete uniforms prescribed by their supervisor. All metals and brass shall be polished and web gear kept clean. Hair must be neatly combed and appropriately cut. Hair must not exceed the shirt collar. NO FACIAL HAIR (except for a neatly trimmed mustache) is permitted and sideburns are not to exceed the ear lobe. Uniforms will be clean and presentable at all times. Badges will be worn at all times while on duty. Company issued identification and State of Florida Security licenses are to be on the Officer at all times while on duty. No insignias, emblems, buttons or other items other than those approved by Allied Universal Security Services are to be worn on the uniform. Shoes to be worn with the uniform must be black leather or leather style-boots and must be maintained neat and polished at all times.

CELL PHONE USE: According to Allied Universal Security Services policy, text message or cellular phone use is not authorized except in an emergency. Any Officer found using their cellular phone or post landline other than for company purposes or emergencies will be disciplined in accordance with company policy.

TELEPHONE ETIQUETTE: Allied Universal Security Officers are to always answer all company/client phones in a professional manner. Telephone use is restricted to company/client related issues only. No personal phone calls will be tolerated in accordance with company policy. General Telephone Guidelines: All calls will be answered with the appropriate greeting related to the time of day. (Good Morning, Afternoon, or Evening) this is Security Officer (Your name), how may I help you? Refer to individuals on the receiving end as Sir, or Madam, etc.

Chain of Command: Below is the current company chain of command. Security Officers are required to follow the order from bottom to top. Allied Universal management has an open door policy, however, all Officers are required to consult with their immediate supervisors first. Should an Officer approach a member of management without first speaking to their immediate supervision staff the Officer will be referred back to their supervisor and this may delay the response.

Esther Egozi	(305) 903-6621
Wendy Witlow	(954) 531-8321
Gus Ramirez	(305) 619-7871
Pamela Bryant	(305) 510-3256
Devon Raynor	(786) 394-0210
Silvan Young	(954)-347-2756

La Gorce Island

USE OF COMPANY VEHICLE

Company vehicles are to be used ONLY for company related business. Authorized use of vehicle must be given by ALLIED UNIVERSAL SECURITY SERVICES administrative management team only. Company Patrol vehicle is to be used only for the following reasons:

Alarm Response Patrolling contracted properties Special Events Other reasons to be determined by our management team.

SECURITY VEHICLES ARE EQUIPED WITH GPS TRACKING SYSTEM AND VIDEO SURVEILLANCE. (UNDER NO CIRCUMSTANCES ARE OFFICERS AUTHORIZED TO TURN OFF VIDEO SURVEILLANCE).

All officers are required to have a valid State of Florida Drivers License.

Every officer utilizing the vehicle must fill out a vehicle inspection sheet. This must be done at the beginning of every shift, as officers will be assuming responsibility.

While behind the wheel, officers must adhere to all Florida Driving Laws and speed limits.

Officers are not allowed to store personal items nor eat inside the vehicle. (water or coffee must be in a spill proof container).

Under no circumstances is any employee authorized to use a company vehicle for any other reasons, unless authorized by Gus Ramirez Client Area Manager.

If a vehicle is damaged in any form or not running, follow your chain of command and make certain all parties are notified immediately.

The use of the light bar is only authorized within the property in which we have been contracted to patrol or protect. Under no circumstances is any employee authorized to operate the light bar on public roads. FSS 493 is very clear on this issue. The only authorized use of a light bar on public roads is during an emergency as described in FSS 316.2397.

When driving a company vehicle, all traffic laws must be obeyed to the letter of the law. Allied Universal Security Services only authorizes the use of a combination of 50% green and 50% amber vehicle lights, whether in the dash, rear deck, or in any other place on your vehicle. Any employee found to be displaying any other color will be subject to disciplinary action by Allied Universal Services management.

Officers will not be allowed to operate the vehicle after working more than 12 hours.

Upon completion of your shift, officers must make certain that the vehicle is clean of debris.

Gate House

Gate Officer is responsible for everything inside the gatehouse (computer, phone, etc.).

Officer MUST log every vehicle that enters the Island. That also INCLUDES RESIDENTS entering thru the guest lane. THERE IS NO "GATE POPPING".

If a vehicle piggybacks of another vehicle to gain entry. The rover must be notified to determine positive ID.

Officer should remind visitors (driving) of our stop signs and 20 MPH speed limit. Also, there is no parking on the street, swale or obstructing roadway or driveways and no photograph, filming on the Island.

La Gorce Island

ALL WALK-INS must be reminded also that there is NO photo or filming on the Island. Additionally, all walk-ins with DOGS must be reminded that they must pick up after their dog and dogs stay on a leash. If they're non-compliant, please contact Miami Beach PD for assistance.

Challenge question to stall suspicious persons

- a. Who are you coming to see?
- b. What address or house number
- c. Do they know you are coming?
- d. Would you like us to place a courtesy call to alert them of your arrival.
- e. Have you been here before? Do you know how to get there.
- f. After assessment call MBPD if still suspicious.

LOST PETS

If a guard finds a lost dog or cat the following procedures should be followed:

If the guard knows the pet's owner, he should contact the homeowner by phone or visit their residence to return the pet immediately. If ownership of the pet is unknown, the guard should attempt to secure the pet inside the guardhouse, give it water, and contact the LGI President or any LGI board member who will instruct the guard as to next steps. In no event should the guard contact police or animal control. If no owner can be located after 8 hours Anima Control will be called. Picture posted prior.

SERENITY PARK

Serenity Park is situated across the roadway from the guardhouse. This park is designated PRIVATE PROPERTY and is owned by the HOMEOWNER'S ASSOCIATION OF LA GORCE ISLAND. As such, it is used by LGI RESIDENTS ONLY. All guards are required to observe who enters and exits Serenity Park at all times. If a person(s) is observed in the park who is not a resident of La Gorce Island, or the guard suspects the person(s) to from "off island", the guard should POLITELY approach person(s) and inform them that the park is for LGI Residents only. The guard can make reference to the posted signs that indicate as such. No friends or relatives or LGI residents are allowed to use the park without the LGI resident being present at the same time. If a non-resident in the park refuses to leave after being told to do so, the Miami Beach Police Department should be called immediately to report trespassing on private property.

NOISE

If a guard receives a noise complaint from a resident, the guard should inform the resident or visitor creating the noise to cease immediately. If it is after 10 PM the guard is to contact the Police Department to enforce the City of Miami Beach Noise Ordinance.

ROVER

Officer must fill a Vehicle Inspection Form. Rover is responsible for vehicle, strobe lights, boat and radio. While patrolling Officers will not exceed 10 MPH and keep windows open at all times (except during rain, strong winds, extreme heat, etc.). Parking on roadways is prohibited by City of Miami Beach. Call the Parking Department if driveways are blocked or obstructing traffic.

La Gorce Island

MARINE PATROL OPERATOR'S GUIDELINES

UPON ARRIVAL ON SITE YOU MUST FIRST FOLLOW THESE SAFETY PRECAUTIONS BEFORE STARTING YOUR ROUNDS

LIFT

1) Perform a visual inspection of the lift by checking the cables for slack or play.

2) Check the sitting of the vessel on the lift.

3) Then check for electricity/1 turn to the right of the bottom switch.

VESSEL

1) Perform a thorough visual inspection of the vessel from the seawall checking for damages.

2) Check the engine for damages or leaks.

3) Check the under carriage for dents or holes.

4) Create a report using the IPad under the 'incident' tab for any damages found. If you do not report damages to the supervisors you may be held accountable for said damages.

5) If the Vessel is docked, officers will conduct hourly inspections. (THE ENGINE MUST BE RAISED OF THE WATER)

BEFORE PATROLLING

1) Upon completion of inspections use the Lift remote by pushing the down button to lower the lift to safe level before entering the vessel.

2) After entering the vessel perform a final check of all equipment/report all damage.

3) ALL OFFICERS MUST WEAR THEIR LIFEVESTS (NO EXEPTIONS)

1. Fire Extinguisher

- 2. Safety/Life Vests
- 3. Spot Light
- 4. Navi Lights
- 5. Pole Light
- 6. Emergency Engine Cut Off Key
- 7. GPS/Depth Finder
- 8. Fuel
- 9. Bilge Bump
- 10. IPad

4) With the inspections completed you can now lower the vessel into the water. Keep the engine in the forward trim position until you have safely cleared the lift and enter the channel.

5) Trim the engine into the water and start the engine.

6) Raise the lift back out of the water, turn the water, turn the engine and Navi lights on and proceed with rounds.

7) When the round is completed dock the vessel following the pictured example below these instructions.

PATROL DUTIES

1) Be sure to have a fully charged cellphone with you during patrols.

2) Tune 2-way radio to coast guard emergency frequency when not communicating with gate officer.

3) You must maintain trolling speeds while conducting your rounds. ANY OFFICER CAUGHT SPEEDING WILL BE

WRITTEN UP. THE SECOND WARNING WILL RESULT IN THAT INDIVIDUAL REMOVED FROM MARINE PATROL INDEFINITELY.

4) Check all properties using spotlights/flashlights and FLIR system for suspicious activities.

La Gorce Island

5) When the fishing boats are posted inside our perimeter, remind the fishermen they have to stay outside of the pilings and keep a respectable distance from the seawall. They must have some sort of lighting (Navi or Cabin) on while on their vessels. ANY NON-COMPLIANCE SHOULD BE TREATED AS HIGHLY SUSPICIOUS AND YOU MUST CONTACT THE POLICE IMMEDIATELY AND RADIO THE GATE OFFICER SO THAT INDIVIDUAL CAN BE MADE AWARE. Proceed with caution keeping a safe distance and use the loudspeaker too inform them.

6) Hit all checkpoints

7) No unauthorized passengers should accompany any officer on the vessel.

8) Maintain safe distances from other vessels and turn on your light bar to identify yourselves.

9) If an officer encounters a distressed vessel W/O passenger, contact the authorities first then proceed with caution.

10) Report immediately any vessels unsafely docked, placed on lifts, or drifting in the channel and contact either the residents or the authorities.

11) For official police usage of the vessel, immediately assist but inform the officers you are authorized to travel a few miles only outside your patrol perimeter and you have to maintain the controls at all times. A REPORT MUST ALSO BE WRITTEN FOR THE INCIDENT. You are responsible for the vessel but most of all, stay low and BE SAFE.

12) If weather does not permit for patrol, a report must be filed. If or when the weather breaks during the shift, patrol shall resume.
13) If any damage to property vessels occur, perform an inspection of all damage along with an incident report and report it immediately. IN CASE OF ANY INJURIES CONTACT 911 IMMEDIATELY WHEN BEARING IS SAFELY ACHIEVED.
Esther Egozi and Gus Ramirez should also be immediately notified. IF A REPORT IS NOT FILED YOU MAY BE SUBJECT TO

LOSS OF LA GORCE ISLAND ISSUED PERSONAL DAYS AND OR TERMINATION.

14) At the end of the shift, when approaching the lift, proceed with copious caution, slow drift, and shut the motor down. Use the remote, pushing the button once to lower the lift back into the water and settle the vessel over the submerged lift, then raise the lift to check positioning. When an upward level lift is achieved, place the motor back to forward trim, raising it out of the water and continue to the top. ONCE PER WEEK THE ENGINE MUST BE CLEANED OUT USING THE HOSE AND THE INTERIOR WIPED DAILY. Carefully exiting the craft.

HOURS OF WORK PERMITTED ON ISLAND:

Monday-Friday 8AM-6PM Saturday 10AM-4PM

Sundays & National Holidays: No work is permitted (includes gardeners doing yards)

- If work is being conducted outside these hours of operation: Contact the homeowner or talk directly to the person preforming the work and warn them that they are in violation of City of Miami Beach noise ordinance as well as La Gorce Island's Rules and Regulations.
- After 30 minutes, if work continues, the rover is to call CMB Code Enforcement. (305) 673-8285

SPEEDING: Gate Officer should always remind everyone of our stop signs and 20 MPH speed limit because there are no sidewalks and children are playing.

PARKING: Parking on roadways is prohibited. Vehicles should be parked on private property only. This also applies to their staff and guests. If rover sees a car belonging to a resident, their staff, or guest(s) parked in the street or on the swale, the rover will politely ask the homeowner to remove the vehicle from the street or swale and relocate to private property.

Parking Enforcement (305) 673-8285

La Gorce Island

EXCEPTIONS:

- Residents should notify Officers in advance of parties at their residence. Rovers and Gate Officers should notify one another and onsite to guide traffic and ensure that parked cars are not parked on swale, obstructing roadways, or driveways. Cars should be parked on one side of the roadway only to allow other vehicles access to pass.
- 2) Gardener's trucks, heavy vehicles, etc. can also park temporarily in the street if not obstructing traffic. The Security team will monitor this activity.

TRUCK TRAFFIC ON THE ISLAND: Officers at gate will notify the construction officer upon arrival of a construction truck or other large trucks. Trucks should be routed around La Gorce Circle rather than down side streets to their destination as to limit potential damage to corner properties and rotaries. Rover will make every effort to follow the trucks to their destination and make sure no damage is done to the grass on the swales.

• In the event of damage to grass, property, and incident report to be completed. Among other details, it should include the name of the truck and tag number. The damage will be photographed. All reports will be forwarded to the Management Company to allow for follow up with the subject companies.

NEWSPAPERS IN DRIVEWAYS: As a precautionary security measure, if the Roving Officer notices an accumulation of newspapers in property owner's driveway, the Officer will make every effort to contact the homeowner. If unable to do so, papers should be moved out of sight or be removed.

PALM FRONDS: If guards see a gardener discarding palm fronds or landscape debris at curbside or in the swale, they should be notified to discard them off-island. Our gardener is not required to remove residents' debris. Residents who discard debris should do so on Thursdays and pre-arrange for Friday pickup with the City. Rovers should know this and confirm with resident if they see debris being placed in swale.

SPRINKLERS: Rovers should be on the lookout for flooding in streets caused by broken sprinkler heads and notify resident of problem. Similarly, if they observe any broken sprinkler heads, they should notify the guard to leave a message for the resident. This saves water!

STREET LAMPS: Night time Rovers who observe broken or unlit street lamps should report the location of the faulty street lamps or bridge lights to Miami Beach Department of Public Works Lighting Division.

OPEN GARAGES: Rovers should notify any homeowner whose garage door is open for an extended period of time to prevent crime.

COMMON AREAS: The common areas are, Serenity Park, flag circle, rotaries, At will Lane and swales (area from resident's line to the roadway). All Officers should be educated on what the common areas of the island are and should treat them with the same vigilance as a homeowner's property with the aforementioned items pertaining to lights, sprinklers, parked cars, etc. Officers should also monitor any non-resident usage of Serenity Park, At will Lane, and politely inform them it is private property and they are trespassing.

ROADWAYS: Rovers should move fallen fronds from roadway and place them on the swale areas since they create a safety hazard. Similarly, they should observe all garbage trucks that accidently leave debris, cans, or glass on the roadway and inform them to remove it. Reports should be written on those who don't comply and be reported to the City, with copy to Island secretary.

La Gorce Island

Property Damage (gate)

- a. Gather all information. Driver's license, Registration and Insurance info.
- b. Pictures
- c. Call MBPD(Property Damage-monetary value)

GENERAL/GATE DAMAGE: If a rover observes a FedEx, UPS, or construction truck; taxi, delivery or other service vehicle driving on swales, the Rover should notify Officer at gatehouse who should make an effort to notify the driver of his infraction and fill out an incident report, and the vendors company should be contacted by phone on the first offense, and in writing on the second offense. Any activity that poses a danger to the safety of residents and or the public will be reported to the Miami Beach Police. Similarly, if they observe a resident practicing the same infraction, which endangers us all, the Officer should POLITELY asked that they be more considerate.

ALARMS & CALLS FOR ASSISTANCE: Rover will respond to an alarm or call for assistance by immediately contacting CMB Police Department if not already done so by resident. The rover will maintain a clear view of the house until police have arrived on the scene. The LGI Officer will request from the Police Officer the case number for our records. Mr. David Rosen will be notified of any serious criminal issue immediately.

Call residents to verify after 11pm. a. If the person is not a regular or unfamiliar b. Need updated contact list from Association Secretary?

ROVER/GATE OFFICER CRIME COORDINATION: When a crime occurs on the Island and the Rover is aware, the gate Officer should stand visible at the gate exit to note any suspicious person or vehicle leaving the Island.

WALK/RIDE ON VISITORS: Must be addressed like any other visitor to the Island. Non-residents are not welcome but will not be turned away. If they insist on visiting the Island, they should provide identification. If they choose not stop or give ID, the rover must be notified to follow. Walk on visitors with dogs must be reminded to pick up after their animals and must also keep the dogs on the leash at all times. You should notify the rover that there's a visitor with a dog and they need to keep a watchful eye.

SOLICITING: Is strictly prohibited on LGI, and as a result, all door-to-door salespersons and solicitors dropping flyers and other printed material should be asked to leave the Island immediately.

Media Relation: As a Rover of the island you are expected to monitor all common grounds and residences. If a vehicle and/or person are seen parked or loitering in front of a residence for an extended period of time, you are to challenge that individual and request what their business is on the island. If they will not move on in a timely manner, contact the CMB police department. Please remember that if approached by any member of the press, your response must always be, "**NO COMMENT**" and either drive away or close the gatehouse doors.

La Gorce Island

Do not hesitate to call the CMB Police Department for any suspicious activity!

911 or (305) 673-7900/7901 Indian Creek PD (305) 866-2446



La Gorce Island

CONTACT INFORMATION

La Gorce Island Gatehouse:		(305) 866-2062	
President:	Anna K. Rentz Cell:	(305) 490-5121	
Secretary: Vivian Ferino & Esther Egozi (305) 903-662 (305) 912-100			
City of Miami B	Beach Police:	(305) 673-7900 (305) 673-7911	
Code Complian	ce:	(305) 673-7555	
Parking Enforcement:		(305) 673-7625	
		(305) 673-7275	
Street & Sewer:		(305) 673-7625	
Emergency:		911	
Miami Beach Pu	ıblic Works	(305) 604-2489	
Miami Beach Pu	ıblic Works Lights	(305) 673-7620	
Revised: January	1, 2023		

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HURRICANE PRECAUTIONS

BEFORE

- Keep your radio tuned continuously to a news radio station. Make certain the batteries are fresh in your portable radio.
 Listen for advisories and updates.
- Stay away from beaches and other low-lying areas which may be swept by high tides or storm waves. Leave early! Roads to high ground may become impassable hours before the hurricane hits land.
- Store anything that could blow away: garbage cans, garden tools, furniture, and plants. Remove tree limbs that could fall on your house or power lines.
- Lock garage doors. Awnings should be tied securely or taken down. Board up windows.
- Do not drain your swimming pool. Turn off all electrical pool equipment. Add extra chlorine to avoid contamination.
- Boats should be hauled out or moored strongly. Do not try to secure your boat in rough water.
- Make certain your car is safe preferably in a garage. Fill your tank with gasoline.
- Keep your flashlight in good working order. Be very careful if you use candles and/or portable cooking equipment.
- Fill clean containers with drinking water. Put large water containers in the bathroom. Toilets will not flush if your water supply is interrupted. Fill bathtub.
- Be sure to have plenty of non-perishable food on hand.
- Fire can be a serious problem. Have a good fire extinguisher (for A, B, & C type fires) nearby. An alternative is a bucket of sand.

DURIN

- Keep your radio tuned continuously to a news radio station for frequent hurricane updates.
- Stay inside! Leave only if instructed to evacuate.
- If you must drive, watch for fallen trees and electrical wires and flooding.
- Keep one window slightly open on the leeward side of your house. If a window breaks, go to an interior room to avoid injury from flying glass.
- Use your telephone for emergency calls only.
- If the eye of the storm passes over your house, stay inside! The winds will return suddenly possibly with even greater force.

AFTER

- Many precautionary steps must be taken after a hurricane passes.
- Stay away from disaster areas! Stay away from broken and low-hanging power lines. Notify police or the utility company of the damage.
- Stay home! Do not drive!
- Open freezers and ice chests only when necessary until powers restored.

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□ Make a list of storm damage to your home. Take photographs of the damage.

HURRICANE DANGERS

STORM SURGE

This is the number one killer in all hurricanes. A storm surge is a rise of water caused by the forward motion of a hurricane toward the coast. The water level at the threatened coast will start to rise gradually as the hurricane approaches, then as the eye wall approaches the water level increases rapidly like a bulldozer shoving dirt. The rise in the water is also dependent upon the slope of the continental shelf. The steeper the slope the greater the storm surge for a given storm and speed. The highest surge is located just to the right of the ."Eye". A storm surge can range from a few feet to 25 feet.

STORM TIDE

This is the height of the normal astronomical tide plus the storm surge.

WINDS

The second most dangerous aspect of the hurricane. A doubling of the wind speed increases the destructive force four times! Shallow-rooted trees can be blown down more than 100 miles inland and flying debris can cause considerable damage as large objects become airborne. The highest winds are generally just ahead and to the right of the "eye". In many storms, pressures fall and winds increase briefly just after landfall. This is caused by the enhancement of convection due to increased low level convergence in the eye wall region.

INLAND FLOODING

All tropical systems, including hurricanes, can cause torrential rainfall and widespread flooding at inland areas. This is particularly true with slow moving systems.



The cyclonic turning of the winds in and around a hurricane or tropical storm can spawn numerous tornadoes. In some cases the damage caused by the tornadoes can exceed the actual damage by the hurricane itself.

La Gorce Island

EVACUATION TIPS

IF YOU PLAN TO EVACUATE

Take along valid identification, insurance documents, property inventories and personal papers in a water-proof box.

- □ Take along personal toiletries, blankets, pillows, any medications and an AM radio.
- □ Turn off main gas valve to house.
- Sterilize, then fill water containers, sinks, and bath tubs then turn off main water to house and drain lines.
 - Close drapes and lock all windows and doors
- Leave a two-week supply of food and water for your pets (shelters do not accept pets). Make sure all pets have proper identification.
 - □ Turn off electricity at main box.

La Gorce Island

SEVERITY DAMAGE LINKED TO WIND SPEED

The amount of damage you can expect from a hurricane is directly linked to the wind velocity of the storm. Winds in an intense storm may reach a sustained velocity of more than 150 mph with gusts up to 200 mph.

The National Hurricane Center uses the Safer/Simpson scale that classifies storms into five categories. Here is a summary of possible damage to shorelines and vessels in each case.

CATEGORIES

CATEGORY I

Winds 74-95 mph, storm surge four-to-five feet above normal. Flooded low-lying coastal roads, minor pier damage, some small craft in exposed anchorages tom from moorings.

CATEGORY 2

Winds 96-110 mph, storm surge six-to-eight feet. Coastal and low-lying roads leading inland flooded two-to-four hours before the hurricane eye passes over. Piers, marinas flooded, small craft in unprotected anchorages tom from moorings.

CATEGORY 3

Winds 111- 1 30 mph, storm surge nine-to-twelve feet. Smaller structures by coastal flooding; larger structures destroyed by battering waves and debris. Low-lying roads leading inland flooded three-to-five hours before the eye passes over

CATEGORY 4

Winds 131-155 mph, storm surge 13-18 feet. Flooding of flat terrain up to 10 feet above sea level as far as six miles inland. Major flooding and wave battering damage to lower floors of structures near shore. Low-lying roads leading inland flooded three-to-five hours before the eye pass over. Major beach erosion.

CATEGORY 5

Winds above 155 mph, storm surge more than 18 feet. Major damage to lower floors of all structures less than 15 feet above sea level within 500 yards of shore

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KNOW YOUR WEATHER TERMINOLOGY				
ADVISORY	Hurricane and storm information disseminated to the public every six hours.			
INTERMEDIATE				
ADVISORY	Information update every two-to-three hours or as necessary.			
SPECIAL ADVISORY	Information disseminated with any significant change in storm- related weather conditions or warnings.			
FLASH FLOOD WATCH	A flash flood is possible in the area. Stay alert and stay tuned to a radio news station for details.			
FLASH FLOOD				
WARNING	A flash flood is imminent. Take immediate action.			
GALE WARNING	An advisory of 39-54 mph sustained winds and strong wave action.			
STORM WARNING	An advisory that sustained winds of 55-73 mph are expected.			
TROPICAL DISTURBANCE	A moving area of thunderstorms of tropical origin that maintains its identity for more than 24 hours.			
TROPICAL WAVE	A westward-moving, low-pressure trough in the deep easterly current that tends to organize low-level circulation and sometimes travels thousands of miles with little change in shape, producing showers and thunder-storms along its path.			
TROPICAL DEPRESSION	An area of low pressure, rotary circulation of clouds and winds up to 38 mph.			
TROPICAL STORM	Counter-clockwise circulation of clouds and winds of 39-73 mph. At this stage the storm is assigned a name.			
HURRICANE	A tropical cyclone with sustained winds of 74 mph or more.			
HURRICANE CENTER OR EYE	The relatively calm area near the center of the storm which can last from several minutes to more than an hour. Winds are light in this area and the sky is often only partly covered by clouds.			
HURRICANE WATCH	An indication that a hurricane may threaten a specific area but is not imminent.			

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HURRICANE WARNING	An advisory that a hurricane is expected to strike the specified area within 24 hours or less, with sustained winds of 74 mph or higher and dangerously high water and waves. SAFFIR-SIMPSON				
HURRICANE INTENSITY SCALE					
Category	Wind/MHP	Damage			
1	74-95	Minimal			
2	96-110	Moderate			
3	111-130	Extensive			
4	131-155	Extreme			
5	156-up	Catastrophic			

La Gorce Island

Hurricane Survival Tips

When Officials Recommend an Evacuation:

Coordinate your departure with the people who will be traveling with you. Notify an out-of-area person of your evacuation plans.

Who Should Plan to Leave Early?

- Persons living on the coast, on barrier islands, or in low-lying or flood-prone areas
- Persons who live in manufactured housing

Secure Your Home:

- C Turn off gas, water, and electricity.
- Board up windows.
- C Draw drapes across windows.
- Brace garage doors.
- Bring in outdoor furniture and other loose objects; anchor those items you cannot bring inside.

Evacuation Tips:

- Keep your vehicle in good repair with a full tank of fuel.
- Check on friends and neighbors who may have special needs.
- Prepare your disaster supplies kit now and take it with you when you evacuate.
- Secure your home quickly; evacuate when asked to do so.

Your Disaster Supplies Kit:

- Can opener
- □ Three-day supply of non-perishable food
- Bedding or sleeping bags
- G Fire extinguisher
- Bleach (without lemon or other additives)
- Mosquito repellent
- Extra prescription medicine or refill information
- Baby food, diapers and formula
- G First aid kit
- U Water (one gallon per person per day)
- □ Eating utensils
- Tarp, rope and duct tape

Secure your home.

Persons with special needs - including health or mobility-related concerns

O Pack your disaster supplies kit into your vehicle.

Double check your evacuation route and leave.

- Place boats on trailers; locate near home; and fill boats with water.
- O Lock all windows and doors.
- Make arrangements for pets before leaving; most shelters and many hotels and motels do not allow them.
- Have an out-of-area point of contact whom family and friends can call to learn your evacuation plans.
- Designate a meeting point for your family should you get separated.
- If possible, have a CB radio or other form of communication to take with you. Use it only for emergencies.
- Monitor local radio and television constantly for the latest news and information.
- Toiletries
- Toilet paper
- Battery-operated radio
- Flashlights
- Extra batteries
- Extra keys
- Extra eyeglasses or prescription information
- Hearing aid or other special-need items
- Important papers including insurance
- Money, checks or credit cards
- Name, address and telephone number of an outof-area contact person.

La Gorce Island

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

Rafael A. Paz, City Attorney Tel: 305-673-7470, Fax: 305-673-7002

June 6, 2023

Esther Egozi Choukroun Manger/Executive Director La Gorce Island Association, Inc. esther@lagorceisland.org

SENT VIA ELECTRONIC MAIL

Dear Ms. Choukroun:

Re: Guard Houses and Guard Gates on Public Streets and Roadways

Please be advised that, with regard to the guard houses and guard gates on public streets or roadways within your neighborhoods, Section 316.2045 of the Florida Statutes provides that persons may not willfully obstruct the free, convenient, and normal use of a public street, highway, or road by either impeding, hindering, stifling, regarding or restraining traffic; or by standing or remaining in the street, highway, or road; or by endangering the safe movement of vehicles or pedestrians traveling on such roads. § 316.2045(1)(a)1-3, Fla. Stat. (2023). In addition, Fla. Stat. §861.01 provides that "[w]hoever obstructs any public road or established highway by fencing across or into the same, or by willfully causing any other obstruction in or to such road or highway, or any part thereof, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and the judgment of the court shall also be that the obstruction be removed." § 861.01, Fla. Stat. (2023) (emphasis added). Accordingly, at best, a security guard can slow the entry of the vehicle into a guard gated community, but only long enough to jot down the vehicle's license plate or tag. Moreover, a security guard may not demand identification, such as a driver's license or identification card, or any other information (such as the person's name, purpose, location or duration of their visit to the community) from the driver or occupants of a vehicle.

The Florida Attorney General's Office (the "AGO") has previously considered the authority to install gates on public roadways in Attorney General Opinion 90-51, in which the AGO determined that a municipality could not authorize a security gate on a public road limiting access because this would obstruct the free, convenient, and normal use of the public road by impeding or restraining traffic contrary to Chapter 316, Florida Statutes. Conversely, in Attorney General Opinion 2004-65, the AGO opined that a gated driveway on private property where the public does *not* have the right to travel, would not violate any of the concerns in AGO 90-51 because no public roadway would be directly impacted.

In addition, Fla. Stat. § 322.143 provides that a private entity may not take information from a driver's license or identification card except either: (1) with the consent of the card holder; (2) to verify the identity of an individual if the individual pays for a good or service with a method other than cash; (3) to verify age when providing an age-restricted good or service; and (4) for other enumerated purposes in Section 322.143, Florida Statutes. However, none of the enumerated purposes set forth in the statute apply to a gatehouse stop situation on a public street or roadway.

Therefore, any guidelines, directions, orders, policies or procedures that provide for the lowering of a gate to stop access or to stall "suspicious persons" to obtain identification information, destination information, verify that a resident is there to receive the guest and so forth, would run contrary to Florida law because it impedes vehicles or pedestrians from freely traveling on the public streets and roadways.

Lastly, Fla. Stat. § 540.08 only prohibits the publishing, printing or display of names, portraits, and photographs for *commercial* purposes, which reflects the Florida right to privacy reflected in both case law and Article I, Section 23 of the Florida Constitution. However, this right to privacy does not prohibit the taking of photographs in public which are not used commercially or published. As such, there is no reasonable expectation of privacy to prohibit individuals from taking photographs, or audio/video recordings from a public road. *See, e.g., Adams v. State*, 436 So. 2d 1132 (Fla. 5th DCA 1983). Therefore, any guideline, direction, order, policy or procedure purporting to establish that there is no photography or filming in a particular neighborhood would also run contrary to Florida law, as such conduct is permissible unless it otherwise violates the law (i.e., video voyeurism, upskirt videos, etc.).

We trust that this helps to clarify what is permissible and what is not with regard to guard houses and guard gates on public streets and roadways.

Respectfully,

/s/Mark A. Fishman First Assistant City Attorney markfishman@miamibeachfl.gov (305) 673-7470

MAF/WC/bhs