

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: September 11, 2024 First Reading

TITLE: TURTLE NESTING PROTECTION AMENDMENT
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE MIAMI BEACH CITY CODE. ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE V, ENTITLED "TURTLE NESTING PROTECTION ORDINANCE," BY AMENDING SECTIONS 46-202, AND 46-203 THEREOF TO STRENGTHEN AND CLARIFY THE PROVISIONS OF THE EXISTING ORDINANCE AND INCLUDE RECOMMENDED MODIFICATIONS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION ("FWC"); AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for October 30, 2024.

BACKGROUND/HISTORY

On September 6, 2006, Ordinance No. 2006-3525 was adopted to protect native sea turtle population by minimizing beachfront lighting to reduce the negative impact on nesting and hatchling sea turtles.

ANALYSIS

The purpose of the attached ordinance amendment is to strengthen and clarify the provisions of the ordinance passed in 2006 and include recommended modifications by the Florida Fish and Wildlife Conservation Commission (FWC). Sea Turtles are protected by the U.S. Endangered Species Act of 1973 and Florida Statute Chapter 370. It is illegal to harm or harass sea turtles, their nests, or hatchlings. The City of Miami Beach is a nesting habitat for three species of protected sea turtles: Loggerhead, Green, and Leatherback sea turtles. Handling of turtles and nests is regulated by the State agency, FWC. Sea turtle nesting season in the State of Florida occurs between May 1 and October 31; however, sea turtle nesting season begins on April 1st in the City of Miami Beach to account for the earlier Leatherback nesting.

On beaches where artificial lighting is visible, females may be deterred from nesting and the hatchlings' journey to the sea can be disrupted as they can become disoriented, causing them to crawl away from the ocean and toward the artificial light. Hatchlings are attracted to the brightest source of light, which on an unlit beach would be the reflection of the moon off the surf. Beachfront lighting has been documented to negatively affect nesting females and often results in reduced or abnormal nesting activity. Visible light sources and the reflection of "glow" resulting from the cumulative effects of coastal lights contribute to this problem.

The City of Miami Beach is dedicated to the conservation and preservation of its natural resources and works with many stakeholders in advance of and through Sea Turtle Nesting Season (LTC No. 020-2024). The Environment and Sustainability Department is also implementing Flip the Switch, a communications campaign funded through a competitive Sea Turtle Conservancy grant.

The Miami-Dade County Sea Turtle Conservation Program works under a Marine Turtle Permit issued by FWC to survey over nineteen (19) miles of beaches from March to October. The surveys begin at sunrise every morning during sea turtle nesting season which include dedicated County staff identifying, marking off, and where applicable, relocating nests. No beach activities (beach maintenance operations, sand sifting, litter collection, concessionaire operations, special events, etc.) can begin before the daily survey is completed and County staff gives the authorization to begin activities on the beach. They also inventory hatched nests and document hatchling disorientations. According to the County, high densities of disorientation due to misdirected and artificial lighting were documented within South, Mid, and North Beach in 2022 and 2023. In 2023, 71 disorientation events out of 158 total nests were documented within Miami Beach. This equates to approximately 45% of nests that were disoriented due to misdirected artificial lighting. With an approximately 45% disorientation rate, Miami Beach has the second highest “disoriented nests per mile” rate in Miami-Dade County.

The objective of the ordinance amendment is to further reduce the damaging impacts of artificial light on sea turtles by updating sections of the ordinance for consistency with FWC recommendations. As such, modified language has been added throughout the ordinance to clarify lighting requirements and the major recommendations include but are not limited to the following:

- Amending, clarifying, and expanding the definitions in Section 46-202
 - Cell phones and flash photography have been added as sources of artificial light,
 - The “Bug type bulb” definition has been removed as it is outdated,
 - The terms ‘Beachwalk’, ‘F.A.C.’, ‘Long wavelength light source’, ‘Minimized’, ‘New Development’, and ‘Roof top advertising sign’ have been added and defined,
 - Definitions pertaining to light source type, ‘Filmed glass’, ‘Solar screens’, and ‘Tinted glass’ have been amended.

- Modifying the prohibitive activities disruptive to marine turtles in Section 46-203(a) –(c)
 - Language was added recommending the use of red or amber filters on vehicle headlights for vehicles authorized on the beach at night,
 - Fireworks displays are prohibited on the beachfront. Fireworks displays can occur from offshore barges provided they have approval from the Fire Department and a Florida Department of Environmental Protection permit or exemption,
 - The operation of motorized vehicles during nesting season is prohibited unless otherwise specified by the ordinance,
 - Lighting associated with special events cannot be visible from the beach after 9:00 p.m. to be consistent with FDEP and County requirements.

- Lighting standards for new development
 - Remove the “exceeding 50% of the value of the structure as determined by the Building Official” threshold for renovations to comply with lighting standards for new development,
 - Modify the lighting standards for new development to apply to lighting within line-of-sight of the beach, not just lighting east of the Coastal Construction Control Line (CCCL).

- Lighting standards for existing development
 - Modify the lighting standards for existing development to apply to lighting within line- of-sight of the beach, not just lighting east of the Coastal Construction Control Line (CCCL).
- Include lighting requirements for existing interior lights that are visible from the beach
 - Apply window tint of film that meets the light transmittance standards for tinted glass,
 - Rearrange lamps and other moveable fixtures away from windows,
 - Use of opaque shades or room darkening window treatments (e.g. blinds, curtains, screens) to shield interior lights from the beach.

A public workshop is being scheduled to review the proposed ordinance amendments and to answer questions from the community.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

THE BUSINESS IMPACT ESTIMATE

In accordance with Section 166.041(4), Florida Statutes, the City of Miami Beach is required to assess whether a Business Impact Estimate is required for the subject ordinance. A Business Impact Estimate shall be provided for Second Reading.

FINANCIAL INFORMATION

N/A

CONCLUSION

The Administration recommends the Mayor and City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for October 30, 2024. The objective of the ordinance amendment is to further reduce the damaging impacts of artificial light on the native sea turtle population by integrating Florida Fish and Wildlife Conservation Commission recommendations. Information regarding the ordinance will be communicated widely through a public outreach process and informational campaign.

Applicable Area

Citywide

Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Environment and Sustainability

Sponsor(s)

Commissioner David Suarez

Co-sponsor(s)

Condensed Title

NR- 1st Rdg, Turtle Nesting Protection Ordinance Amendment. (Suarez) EN