

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: June 25, 2025 1:40 p.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE MIAMI BEACH CITY CODE, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE III, ENTITLED "USE OF PUBLIC PROPERTY," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 82-73 THEREOF, ENTITLED "BALLOONS PROHIBITED AT PUBLIC MARINAS, MARINE FACILITIES, PARKS, AND BEACHES" TO INCREASE THE CIVIL PENALTIES AND SPECIFY RESPONSIBLE PARTIES FOR VIOLATIONS IN ORDER TO DETER HARMFUL LITTERING AND PROTECT MARINE AND COASTAL WILDLIFE; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The attached Ordinance was prepared at the request of Commissioner David Suarez for consideration at the June 25, 2025 City Commission meeting.

On January 31, 2024, the Mayor and City Commission adopted Ordinance No. 2024-4590 prohibiting the use or possession of balloons at public marinas, beaches, marine facilities, or parks to prevent environmental pollution, avert the unnecessary obstruction of waterways, and avoid denigrating the aesthetics of the waterways and its marinas, marine facilities, parks, and beaches.

The sponsor of this Ordinance proposes to amend Ordinance No. 2024-4590 to increase the civil penalties and to expand the scope of liability for violations in order to further deter harmful littering and protect marine and coastal wildlife. Specifically, possession or use of balloons at any public marina or public marine facility by a person or entity shall result in the following fines: (1) first violation within a 12-month period shall be a civil fine of \$250 for each balloon up to a maximum total fine of \$1,000.00; (2) second or subsequent violation by a person or entity within a 12-month period shall be a civil fine of \$1,250.00 for each balloon up to a maximum total fine of \$5,000.00.

Furthermore, vessel operators shall be liable for a violation of the foregoing prohibition if any balloons are present on the vessel in the possession, custody, or control, of any crew member, passenger, or other person.

FISCAL IMPACT STATEMENT

N/A

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

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

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

No

**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

City Attorney

Sponsor(s)

Commissioner David Suarez

Co-sponsor(s)

Condensed Title

1:40 p.m. 1st Rdg PH, Balloons Prohibited at Public Marinas/Marine Facilities/Parks/Beaches.
(DS) CA

Previous Action (For City Clerk Use Only)