

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: June 25, 2025 9:31 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 66 THE CITY CODE, ENTITLED "MARINE STRUCTURES, FACILITIES AND VESSELS," BY AMENDING ARTICLE IV, ENTITLED "VESSELS," BY CREATING SECTION 66-156, ENTITLED, "MIAMI BEACH OVERNIGHT ANCHORING LIMITATION AREA ESTABLISHED" BY ESTABLISHING A MIAMI BEACH OVERNIGHT ANCHORING LIMITATION AREA; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The proposed ordinance, sponsored by Vice-Mayor David Suarez, is submitted for consideration by the Mayor and City Commission.

Chapter 327 of the Florida Statutes is known as the "Florida Vessel Safety Law." During the 2025 Florida Legislative Session, the Florida Legislature enacted, and the Governor signed into law, Ch. 2025-39, *Laws of Florida*, amending Chapter 327, and specifically Fla. Stat. 327.60(2)(f), to include a new subsection, which now authorizes counties with a population of more than 1.5 million, including municipalities within those counties, to regulate overnight anchoring within the waters of their jurisdiction by creating Anchoring Limitation Areas.

The City of Miami Beach ("City"), which attracts residents and visitors from around the world, including boating enthusiasts operating vessels of all types, who enjoy the water quality and amenities that the City's jurisdictional waters and waterways offer, lies entirely within Miami-Dade County. Miami-Dade County is a County with a population greater than 1.5 million and the City is therefore eligible to create overnight Anchoring Limitation Areas pursuant to Fla. Stat. 327.60(2)(f)3.

The continued unregulated and unmanaged long-term anchoring may pose a threat to the health, safety and welfare of the residents of the City, including its boaters and vessel owners, due to the illegal discharge of materials detrimental to water quality and public health and threats to protected aquatic flora and fauna, including seagrasses.

Moreover, the ongoing unregulated and unmanaged long-term anchoring upon the waters of the City has led to a proliferation of abandoned and derelict vessels, vessels at-risk of becoming derelict, and unoccupied vessels stored on the waters of the City for extended periods of time, requiring the expenditure of City financial and human resources to address the problem.

Furthermore, unregulated and unmanaged long-term anchoring, including long-term vessel storage upon the waters of the City, prevents others from using the waters of the City, poses hazards to navigational safety, and may endanger public and private marine infrastructure such as docks, piers, seawalls and bridges, especially before and during storms.

As such, the proposed Ordinance, which would create Section 66-156 of the City Code, would establish the waters of the City as an Overnight Anchoring Limitation Area in which vessels (subject to certain exemptions) would be prohibited from anchoring anywhere within the Miami Beach Overnight Anchoring Limitation Area for a period of 1 hour or more between one-half hour after sunset and one-half hour before sunrise for more than 30 days in any 6-month period. Vessels found to be in violation are subject to the imposition of fines as well as removal, towing, impoundment, and disposal of the vessel.

The waters subject to the proposed Ordinance, as depicted in Exhibit "A" attached and incorporated hereto, lie within the corporate boundaries of the City and within the Biscayne Bay Aquatic Preserve, an Outstanding Florida Water, that receives special protection under Florida Law.

### **FISCAL IMPACT STATEMENT**

The sponsor of this item requests that the Administration be prepared to address the fiscal impact of this proposed measure, if any, at the City Commission meeting.

**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)**

Commissioner Joseph Magazine

**Condensed Title**

9:31 a.m. 1st Rdg PH, MB Overnight Anchoring Limitation Area. (Suarez/Magazine) CA

**Previous Action (For City Clerk Use Only)**