

R5 I 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.

Applicable Area:

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)

ORDINANCE NO. _____

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.

WHEREAS, Chapter 327 of the Florida Statutes is known as the "Florida Vessel Safety Law;" and

WHEREAS, the City of Miami Beach ("City") 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; and

WHEREAS, the waters subject to this ordinance 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, during the 2025 Florida Legislative Session, the Florida Legislature enacted, and the Governor signed into law Ch. 2025-39, *Laws of Florida*, amending 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; and

WHEREAS, the City lies entirely within Miami-Dade County, a County with a population greater than 1.5 million, and is therefore eligible to create overnight Anchoring Limitation Areas pursuant to Fla. Stat. 327.60(2)(f)3.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Section 66-156 of Article IV of Chapter 66 of the Miami Beach City Code is hereby created as follows:

CHAPTER 66

MARINE STRUCTURES, FACILITIES AND VESSELS

* * *

ARTICLE IV. VESSELS

* * *

Sec. 66-156 Miami Beach Overnight Anchoring Limitation Area Established, Jurisdictional Limits Defined; Restriction on Overnight Anchoring; Exemptions; Section Supplemental; Enforcement, Penalties, Appeal; Contractors.

- (a) Miami Beach Overnight Anchoring Limitation Area. Pursuant to the authority granted by the Florida Legislature, the City of Miami Beach hereby designates all waters within its corporate boundaries to be the Miami Beach Overnight Anchoring Limitation Area as authorized in Ch. 2025-39, Laws of Florida and codified at Section 327.60(2)(f)3.
- (b) Restriction on Overnight Anchoring within the Miami Beach Overnight Anchoring Limitation Area. No vessel shall be anchored 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.
- (c) Exemptions; Vessels Not Restricted in the Miami Beach Overnight Anchoring Limitation Area. The following vessels are not subject to the restriction set forth in subsection (b) above pertaining to the restriction on overnight anchoring within the Miami Beach Overnight Anchoring Limitation Area:
 - (1) Vessels anchored within the boundaries of a marked mooring field.
 - (2) Vessels anchored overnight for the purpose of completing permitted marine construction, installation, or maintenance work.
 - (3) Vessels owned by a governmental entity or otherwise operated at the request of a governmental entity for a governmental purpose.
 - (4) Commercial fishing vessels as defined in Section 327.02(6), Fla. Stat.
- (d) Section Supplemental. This section is supplemental to, and does not limit or otherwise alter, the restrictions on anchoring or mooring in the Miami Beach Overnight Anchoring Limitation Area that are subject to any more restrictive local, state, or federal law.
- (e) Enforcement; Penalties for Violation; Appeal. The provisions of this section may be enforced by the Miami Beach Code Compliance Department, the Miami Beach Police Department, or any other law enforcement agency having jurisdiction within the Miami Beach Overnight Anchoring Limitation Area in the manner prescribed below:

- (1) Warning Notice. Prior to the issuance of a Notice of Violation pursuant to this section, the vessel owner, occupant, or operator must be provided a warning in the manner prescribed below that the vessel will be subject to enforcement if it remains anchored in the Miami Beach Overnight Anchoring Limitation Area in violation of section 66-156(b) above.
- (2) Warning Notice Procedure. At any time during which a vessel is anchored overnight in the Miami Beach Overnight Anchoring Limitation Area for more than 14 days in any 6-month period, a code compliance officer or law enforcement officer who has reason to believe that such vessel may violate the prohibition on overnight anchoring established by this section, shall provide the vessel owner, occupant, or operator with written notice that it may be subject to future enforcement in the manner prescribed below:
- a. If the vessel is occupied, written notice shall be provided directly to the vessel owner, occupant, or operator, unless such person refuses to accept the written notice in which case the notice may be affixed to the vessel; or
 - b. If the vessel is unoccupied or if occupancy cannot be determined, written notice shall be affixed to the vessel; and
 - c. In addition to either subsection a. or b. above, written notice shall be sent via U.S. Postal Service by certified mail, return receipt requested, to the registered owner and any lienholder of the vessel irrespective as to whether the vessel is occupied or unoccupied. The requirements of this subsection shall be deemed satisfied upon mailing. If no owner or lienholder can be identified after reasonable effort to ascertain the name and address of the owner and any lienholder, then this subsection c. shall not apply.
 - d. The written warning notice shall include the following:
 - i. Information that the vessel may soon be in violation of subsection 66-156(b) - Restriction on Overnight Anchoring within the Miami Beach Overnight Anchoring Limitation Area; and
 - ii. A copy of this section 66-156.
- (3) Notice of Violation. If a vessel is found to be in violation of this section as of a date that is 10 days or more after issuance of a warning notice by any method prescribed in subsection (2) above, a code compliance officer or law enforcement officer may issue a Notice of Violation utilizing the same procedure set forth in subsections (2)a. - (2)c. above.
- (4) Fines and Enforcement. The owner, occupant, and/or operator of a vessel found to be in violation of this section as of a date that is 10 days or more after issuance of a warning notice by any method prescribed in subsection (2) above shall be subject to the following fines:
- a. \$500 fine per day for a first violation;
 - b. \$750 fine per day for a second or subsequent violation.

In addition to the fines prescribed above, any vessel found to be in violation of this section as of a date that is 10 days or more after issuance of a warning notice by any method prescribed in subsection (2) above shall be subject to removal, towing, impoundment, and disposal in accordance with the provisions set forth in subsection (5) below.

(5) Appeal Procedure; Removal, Towing, Impoundment, Disposal.

- a. Any cited party shall have 10 days within which to appeal the Notice of Violation to the City of Miami Beach by paying an administrative fee and submitting a written request to the Clerk of the Special Magistrate which must include the vessel owner's name, address, telephone number, email address, and a copy of the Notice of Violation that was issued to the vessel owner, occupant, operator, or affixed to the vessel.
- b. Hearings held pursuant to this section shall be noticed and conducted according to the provisions of Chapter 30. However, hearings under this section shall be advanced on the Special Magistrate's calendar to the soonest practicable hearing date and continuances requested by either the cited party or the City shall be limited to only one continuance per side and each continuance shall be limited to no more than 10 days.
- c. Prior to and until a Special Magistrate's determination, the vessel found to be in violation of this section shall not be towed but fines shall continue to accrue so long as the vessel remains anchored in violation of this section.
- d. If no cited party timely appeals the Notice of Violation or the Special Magistrate upholds the violation, the vessel may be removed, towed and impounded by the City or its contractor until such time as the vessel owner or lienholder retrieves the vessel after paying all costs associated with the removal, towing and impoundment, along with all accrued fines owed to the City.
- e. If no cited party timely appeals the Notice of Violation, or no cited party timely appeals the Special Magistrate's determination, or all appeals from the Special Magistrate's determination have been exhausted, and the vessel owner or lienholder has failed to retrieve the vessel from the impoundment facility, the City or its contractor may dispose of the vessel in accordance with law.

(6) Additional Remedies. The City may also pursue any additional remedies available to it in accordance with law.

(f) *Contractors; License and Insurance Required.* A contractor performing removal, towing, or impoundment services at the direction of a code compliance officer or law enforcement officer pursuant to this section must:

- (1) be licensed in accordance with United States Coast Guard regulations, as applicable;
- (2) obtain and carry a current insurance policy issued by a licensed insurance carrier in this state to insure against any accident, loss, injury, property damage, or other casualty caused by or resulting from the contractor's actions; and
- (3) be properly equipped to perform such services.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the ____ day of _____, 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions.

(Sponsored by Vice-Mayor David Suarez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

6/17/2025
Date

MAF