MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Rafael A. Paz, City Attorney
DATE: March 13, 2024

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, REQUESTING THAT MIAMI-DADE COUNTY DESIGNATE ANCHORING LIMITATION AREAS, BY MIAMI-DADE COUNTY ORDINANCE AND PURSUANT TO FLORIDA STATUTE 327.4108, IN THOSE AREAS WITHIN MIAMI BEACH, AS SET FORTH IN EXHIBIT "A" ATTACHED AND INCORPORATED HEREIN, WHICH ANCHORING LIMITATION AREAS ARE ADJACENT TO URBAN AREAS THAT HAVE RESIDENTIAL DOCKING FACILITIES, SIGNIFICANT RECREATIONAL BOATING TRAFFIC, ARE LESS THAN 100 ACRES IN SIZE, AND DO NOT EXCEED 10 PERCENT OF THE COUNTY'S DELINEATED NAVIGABLE-IN-FACT WATERWAYS; AND DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE MIAMI-DADE COUNTY MAYOR AND THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS URGING THEIR FULL SUPPORT AND COLLABORATION IN IMPLEMENTING THIS IMPORTANT INITIATIVE; AND FURTHER, REFERRING THIS MATTER TO THE APRIL 19, 2024 FINANCE AND ECONOMIC RESILIENCY COMMITTEE MEETING IN ORDER TO DISCUSS ANY POTENTIAL FISCAL IMPACT OF ESTABLISHING, IMPLEMENTING, AND ENFORCING THE PROPOSED ANCHORING LIMITATION AREAS TO INCLUDE ANY APPLICATION AND/OR PERMIT FEES; THE COST OF PERMITTING, INSTALLING, AND MAINTAINING THE REQUISITE SIGNS AND BUOYS; AND ANY PERSONNEL OR OTHER COSTS OF ENFORCEMENT.

BACKGROUND/HISTORY

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 name of lobbyist(s) and principal(s): N/A

ANALYSIS

The attached Resolution was prepared at the request of the sponsor, Commissioner David Suarez.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

N/A

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
No	No

Legislative Tracking

Office of the City Attorney

Sponsor

Commissioner David Suarez

ATTACHMENTS:

Description

- Resolution
- Exhibit "A" - Potential Anchoring Limitation Areas

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, REQUESTING THAT MIAMI-DADE COUNTY DESIGNATE ANCHORING LIMITATION AREAS, BY MIAMI-DADE COUNTY ORDINANCE AND PURSUANT TO FLORIDA STATUTE 327.4108, IN THOSE AREAS WITHIN MIAMI BEACH, AS SET FORTH IN EXHIBIT "A" ATTACHED AND INCORPORATED HEREIN, WHICH ANCHORING LIMITATION AREAS ARE ADJACENT TO URBAN AREAS THAT HAVE RESIDENTIAL DOCKING FACILITIES, SIGNIFICANT RECREATIONAL BOATING TRAFFIC, ARE LESS THAN 100 ACRES IN SIZE, AND DO NOT EXCEED 10 PERCENT OF THE COUNTY'S DELINEATED NAVIGABLE-IN-FACT WATERWAYS; AND DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE MIAMI-DADE COUNTY MAYOR AND THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS URGING THEIR FULL SUPPORT AND COLLABORATION IN IMPLEMENTING THIS IMPORTANT INITIATIVE; AND FURTHER, REFERRING THIS MATTER TO THE APRIL 19, 2024 FINANCE AND ECONOMIC RESILIENCY COMMITTEE MEETING IN ORDER TO DISCUSS ANY POTENTIAL FISCAL IMPACT OF ESTABLISHING, IMPLEMENTING, AND ENFORCING THE PROPOSED ANCHORING LIMITATION AREAS TO INCLUDE ANY APPLICATION AND/OR PERMIT FEES; THE COST OF PERMITTING, INSTALLING, AND MAINTAINING THE REQUISITE SIGNS AND BUOYS; AND ANY PERSONNEL OR OTHER COSTS OF ENFORCEMENT.

WHEREAS, the City of Miami Beach recognizes the importance of regulating anchoring within its waters for the safety and enjoyment of residents and visitors; and

WHEREAS, Florida Statute 327.4108 provides authorization for Counties to establish anchoring limitation areas ("ALAs") adjacent to urban areas that have residential docking facilities and significant recreational boating traffic, so long as the aggregate total of ALAs in a County does not exceed ten (10) percent of the County's delineated navigable-in-fact waterways and each ALA is less than one hundred (100) acres in size; and

WHEREAS, the City has identified specific areas within its jurisdiction (each of which is less than 100 acres in size) that warrant the creation of ALAs, as set forth in Exhibit "A" attached and incorporated herein, due to their adjacency to urban residential docking facilities, significant recreational boating traffic, and the necessity for safe navigation; and

WHEREAS, the proposed ALAs, which constitute less than 10% of Miami-Dade County's navigable-in-fact waterways, are locations where long-term anchoring of

vessels is commonplace and/or are notorious "hot spots" for derelict, at-risk, and abandoned vessels; and

WHEREAS, once created, ALAs prohibit any person from anchoring a vessel for more than 45 consecutive days in any 6-month period; and

WHEREAS, if a vessel owner/operator fails to provide sufficient documentation or evidence that the vessel has not exceeded the ALA 45-day anchoring time limit, a citation of violation may be issued and, if the cited vessel refuses to leave, the vessel can be removed and impounded; and

WHEREAS, Fla. Stat. 327.4108 also requires that ALAs be clearly marked with both signs that identify the duration of time beyond which anchoring is limited and the county ordinance by which the ALA was created, along with buoys marking the boundaries of the ALA; and

WHEREAS, Fla. Stat. 327.4108 also requires that ALAs be clearly marked with both signs that identify the duration of time beyond which anchoring is limited and the county ordinance by which the ALA was created, along with buoys marking the boundaries of the ALA; and

WHEREAS, while responsibility for payment of the various components surrounding the establishment of these ALAs has not yet been determined, it is important for the City to discuss the potential, estimated fiscal impact of establishing, implementing, and enforcing the proposed ALAs; and

WHEREAS, the estimated fiscal impact should include any application and/or permit fees; the cost of permitting, installing, and maintaining the signs and buoys; and any personnel, camera, or other costs of enforcement and

WHEREAS, the most appropriate forum for the City's initial discussion concerning any potential fiscal impact of these ALAs is the Finance and Economic Resiliency Committee.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and the City hereby request that Miami-Dade County designate anchoring limitation areas, by Miami-Dade County Ordinance and pursuant to Florida Statute 327.4108, in those areas within Miami Beach, as set forth in Exhibit "A" attached and incorporated herein, which anchoring limitation areas are adjacent to urban areas that have residential docking facilities, significant recreational boating traffic, are less than 100 acres in size, and do not exceed 10 percent of the County's delineated navigable-in-fact waterways; and directing the City Clerk to transmit a copy of this Resolution to the Miami-Dade County Mayor and the Miami-Dade County Board of County Commissioners urging their full support and collaboration in implementing this important initiative; and further, referring this matter to the April 19, 2024 Finance and Economic Resiliency Committee meeting in

order to discuss any potential fiscal impact of establishing, implementing, and enforcing the proposed anchoring limitation areas to include any application and/or permit fees; the cost of permitting, installing, and maintaining the requisite signs and buoys; and any personnel or other costs of enforcement.

PASSED AND ADOPTED this _____ day of _____, 2024.

ATTEST:

_____
Steven Meiner, Mayor

_____
Rafael E. Granado, City Clerk

(Sponsored by Commissioner David Suarez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney MAF 3-6-24 Date


Miami Beach GIS • 1700 Convention Center Drive • Miami Beach, FL 33139 • 305.673.7000 • gis@miamibeachfl.gov • www.miamibeachfl.gov
M:\SCMB\GIS\Projects\24_Anchoring_Limitation_Areas\Pro\AnchoringLimitationAreas.aprx
SHEET NO. 1 OF 1
DATE 3/1/2024
DRAWN workroom
SCALE Not To Scale
REQUESTED Commissioner District
FILENAME ProposedMooringLocations
N
W
E
S
Subject Area
Miami Beach
Miami-Dade County, FL
Anchoring Limitation Area
Municipal Boundary
ALA Limit Buoy
Access Channel
PMA Area 1
PMA Area 2
PMA Area 3
GIS
MIAMIBEACH

Exhibit "A"