

**RESOLUTION NO. 2023-32646**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY ADMINISTRATION TO PROCEED WITH THE DESIGN AND PLANNING FOR A MOORING FIELD PROJECT WITHIN THE CITY OF MIAMI BEACH, PROVIDED, HOWEVER, THAT MOORING FIELD OPERATIONS SHALL NOT COMMENCE UNLESS AND UNTIL ANCHOR LIMITATION AREAS ARE ESTABLISHED FOR THE RESIDENTIAL ISLANDS IN THE VICINITY OF THE CITY'S MOORING FIELDS, INCLUDING SUNSET ISLANDS I THROUGH IV, STAR ISLAND, PALM ISLAND AND HIBISCUS ISLAND, IN ACCORDANCE WITH SECTION 327.4108 OF THE FLORIDA STATUTES.**

**WHEREAS**, Miami Beach is a popular destination for boaters, with significant commercial and recreational use of the area of Biscayne Bay located within the City's territorial limits, resulting in a high demand for local anchorage in the area; and

**WHEREAS**, under State law, subject to a few limited exceptions, municipalities do not have the regulatory authority to limit or control the anchoring of vessels on waterways; and

**WHEREAS**, one such exception provides that the City may regulate anchoring and related activities within the specified boundaries of a State-approved mooring field; and

**WHEREAS**, within the defined mooring field area, the City may require vessels to be tied to an anchored mooring buoy and establish procedures to deter the improper storage of derelict vessels, prohibit polluting discharges, and promote safety and the protection of the environment; and

**WHEREAS**, on June 5, 2019, the Mayor and City Commission adopted Resolution No. 2019-30862, directing the Administration to explore the creation of a mooring field and to retain a consultant to assist with the development of a mooring field project (the "Mooring Field Project"); and

**WHEREAS**, on or about May 2020, the City's consultant, E-Sciences, prepared a Mooring Field preliminary analysis, outlining the mooring field options and technical requirements for establishment of mooring field in the City; and

**WHEREAS**, in Spring 2022, City staff and their selected consultants held meetings with the regulatory agencies to obtain feedback on the boundaries for a mooring field and necessary items to consider during the preliminary planning and permitting process for a Mooring Field Project; and

**WHEREAS**, on May 27, 2022, the Finance and Economic Resiliency Committee directed the Administration to proceed with the design and permitting of a mooring field project with proposed boundaries spanning portions of Biscayne Bay, from approximately 5th Street to Maurice Gibb Park, and further requested that staff update its FY 2023 budget requests to reflect additional monetary needs for this capital project; and

**WHEREAS**, on September 28, 2022, the City Commission approved the Capital budget increase to support the preliminary planning and design work for a mooring field project, and

City staff has been working to develop a scope for the design and construction of the project, in accordance with its procurement requirements; and

**WHEREAS**, residents have expressed strong and diverse viewpoints with respect to establishing a mooring field, both in favor and against the establishment of a mooring field; and

**WHEREAS**, residents who support a Mooring Field Project desire to proceed with the project due to concerns with the current impact of unregulated anchoring of boats in the area, and often cite environmental concerns relating to the health of Biscayne Bay, and the impact of unregulated mooring of boats on seagrass and water quality; and

**WHEREAS**, residents concerned with a Mooring Field Project share the desire to address issues with unregulated anchoring and the health of Biscayne Bay, but are concerned that creating a regulated mooring field will only shift the problems the City is experiencing with derelict boats to the areas located *outside* of the boundaries of the mooring field; and

**WHEREAS**, specifically, residents concerned with the Mooring Field Project cite examples in nearby jurisdictions such as the City of Miami, where boaters who did not want to comply with the City's rules or pay to locate their boats within a mooring field, simply anchored outside of the reach of the managed mooring field, thereby entirely undermining the objective of the project and shifting the problem to other areas; and

**WHEREAS**, one option that may address the fundamental concern with the shifting of boats from a managed mooring field to areas outside the mooring field boundary relates to the potential establishment of Anchoring Limitation Areas for the protection of the islands in the immediate vicinity of the mooring fields; and

**WHEREAS**, Section 327.4108 of the Florida Statutes establishes specified Anchor Limitation Areas, and authorizes counties to establish additional Anchoring Limitation Areas within their waterways under certain conditions, to limit overnight anchorages in areas located within the boundaries of the Anchoring Limitation Area; and

**WHEREAS**, if a Mooring Field Project is established with a defined boundary for mooring buoys, an approved Anchoring Limitation Area for the area surrounding the mooring field would serve to achieve the overall objectives of a Mooring Field Project, protect residents and promote the health of Biscayne Bay; and

**WHEREAS**, moreover, the Florida Legislature's action to designate portions of Biscayne Bay as anchor limitation areas would thereby provide the City with the authority to enforce the prohibitions on overnight anchoring within its municipal boundaries, as authorized by Fla. Stat. § 327.70; and

**WHEREAS**, the Mayor and City Commission desire to affirm the City's prior Resolutions to direct the Administration to proceed with the design and planning for a Mooring Field Project, provided, however, that mooring field operations shall not commence at any Mooring Field Project until Anchoring Limitation Areas are established for the residential islands in the vicinity of the mooring fields, including Sunset Islands, Star Island, Palm Island and Hibiscus Island; and

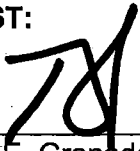
**WHEREAS**, the Mayor and City Commission further direct the City Administration to work with Miami-Dade County in support of any effort to establish an Anchoring Limitation Area

pursuant to Section 327.4108 of the Florida Statutes, or alternatively to include this item as part of the City's 2024 legislative priorities, to alternatively urge the Florida Legislature to directly establish an Anchoring Limitation Area for the foregoing areas of Biscayne Bay.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,** that the Mayor and City Commission hereby authorize the City Administration to proceed with the design and planning for a Mooring Field Project within the City of Miami Beach, provided, however, that mooring field operations shall not commence unless and until Anchor Limitation Areas are established for the residential islands in the vicinity of the City's mooring fields, including Sunset Islands I through IV, Star Island, Palm Island and Hibiscus Island, in accordance with Section 327.4108 of the Florida Statutes.

**PASSED and ADOPTED** this 28 day of June, 2023.

**ATTEST:**



**JUL - 5 2023**

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Rafael E. Granado, City Clerk

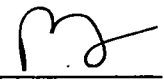
(sponsored by Commissioner Ricky Arriola)



\_\_\_\_\_  
Dan Gelber, Mayor



**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

6-16-23  
\_\_\_\_\_  
Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael A. Paz, City Attorney  
DATE: June 28, 2023

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY ADMINISTRATION TO PROCEED WITH THE DESIGN AND PLANNING FOR A MOORING FIELD PROJECT WITHIN THE CITY OF MIAMI BEACH, PROVIDED, HOWEVER, THAT MOORING FIELD OPERATIONS SHALL NOT COMMENCE UNLESS AND UNTIL ANCHOR LIMITATION AREAS ARE ESTABLISHED FOR THE RESIDENTIAL ISLANDS IN THE VICINITY OF THE CITY'S MOORING FIELDS, INCLUDING SUNSET ISLANDS I THROUGH IV, STAR ISLAND, PALM ISLAND AND HIBISCUS ISLAND, IN ACCORDANCE WITH SECTION 327.4108 OF THE FLORIDA STATUTES.

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### ANALYSIS

Pursuant to the request of Vice-Mayor Ricky Arriola, the above-referenced Resolution is submitted for consideration by the Mayor and City Commission at the June 28, 2023 Commission meeting.

### SUPPORTING SURVEY DATA

N/A

### FINANCIAL INFORMATION

The fiscal impact of this item is part of the FY 2023 capital budget, as approved by Finance and Economic Resiliency Committee on May 27, 2022 and subsequently by the City Commission on September 28, 2022.

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

### Legislative Tracking

Office of the City Attorney

**Sponsor**

Vice-Mayor Ricky Arriola

**ATTACHMENTS:**

**Description**

- Resolution