



**MEMORANDUM**

Agenda Item No. 11(A)(5)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** December 16, 2008

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to create a separate  
category of vessel speed violations  
in manatee protection zones that  
carries a higher penalty

**Resolution No. R-1432-08**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Bruno A. Barreiro, and Co-Sponsor Commissioner Rebeca Sosa.

A handwritten signature in black ink, appearing to read "RAC", written over a horizontal line.

R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: December 16, 2008

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County Attorney

SUBJECT: Agenda Item No. 11(A)(5)

Please note any items checked.

- \_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- \_\_\_\_\_ 6 weeks required between first reading and public hearing
- \_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing
- \_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget
- \_\_\_\_\_ Budget required
- \_\_\_\_\_ Statement of fiscal impact required
- \_\_\_\_\_ Bid waiver requiring County Manager's written recommendation
- \_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing
- \_\_\_\_\_ Housekeeping item (no policy decision required)
- \_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(5)  
12-16-08

**RESOLUTION NO.     R-1432-08**

**RESOLUTION URGING THE FLORIDA LEGISLATURE  
TO CREATE A SEPARATE CATEGORY OF VESSEL  
SPEED VIOLATIONS IN MANATEE PROTECTION ZONES  
THAT CARRIES A HIGHER PENALTY**

**WHEREAS**, the Florida Manatee Sanctuary Act, section 379.2431, Florida Statutes, establishes over 20 manatee protection vessel speed zones on Florida waters; and

**WHEREAS**, Florida law requires boaters to comply with such vessel speed limits; and

**WHEREAS**, section 327.73, Florida Statutes, imposes a \$50 civil penalty for violating vessel speed limits, along with an additional \$40 in court costs; and

**WHEREAS**, under current Florida law, vessel speeding fines are the same regardless of whether they occur in a manatee protection area or not; and

**WHEREAS**, vessel speeding citations in a manatee protection area are less than half the cost of a motor vehicle speeding citation; and

**WHEREAS**, motor vehicle speeding citations can range from \$188 to over \$300 including courts costs and surcharges depending on the speed; and

**WHEREAS**, increasing the penalties for violating vessel speed limits in a manatee protection area can serve to protect manatees,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the Florida Legislature to create a separate category for vessel speed limits in manatee protection zones and impose a higher penalty for violating vessel speed limits in manatee protection zones.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, and the Chairman and Members of the Florida Fish and Wildlife Conservation Commission.

**Section 3.** Directs the County's state lobbyists to advocate for the issue set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2009 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Chairman Bruno A. Barreiro, and the Co-Sponsor is Commissioner Rebeca Sosa. It was offered by Commissioner **Sally A. Heyman** who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

|                      |                                    |                    |               |
|----------------------|------------------------------------|--------------------|---------------|
|                      | Bruno A. Barreiro, Chairman        | <b>aye</b>         |               |
|                      | Barbara J. Jordan, Vice-Chairwoman | <b>aye</b>         |               |
| Jose "Pepe" Diaz     | <b>absent</b>                      | Audrey M. Edmonson | <b>aye</b>    |
| Carlos A. Gimenez    | <b>absent</b>                      | Sally A. Heyman    | <b>aye</b>    |
| Joe A. Martinez      | <b>aye</b>                         | Dennis C. Moss     | <b>absent</b> |
| Dorrin D. Rolle      | <b>absent</b>                      | Natacha Seijas     | <b>aye</b>    |
| Katy Sorenson        | <b>aye</b>                         | Rebeca Sosa        | <b>aye</b>    |
| Sen. Javier D. Souto | <b>aye</b>                         |                    |               |

The Chairman thereupon declared the resolution duly passed and adopted this 16<sup>th</sup> day of December, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: **Kay Sullivan**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Jess M. McCarty