

MEMORANDUM

Agenda Item No. 11(A)(19)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: December 1, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact Senate Bill
606, House Bill 493, the Boating
Safety Act of 2022, or similar
legislation that regulates vessel
liveries and promotes boating
safety

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: December 1, 2021

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County Attorney

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Please note any items checked.

- "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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(19)
12-1-21

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL 606, HOUSE BILL 493, THE BOATING SAFETY ACT OF 2022, OR SIMILAR LEGISLATION THAT REGULATES VESSEL LIVERIES AND PROMOTES BOATING SAFETY

WHEREAS, residents and visitors enjoy riding jet skis, boats, and other recreational vessels on the waters of Miami-Dade County, and particularly in Biscayne Bay; and

WHEREAS, in the last year, Miami-Dade County has seen a surge in recreational vessel activity on County waters; and

WHEREAS, while this increase in activity supports the County economy, the County nevertheless must ensure that vessel operators and vessel rental businesses are conducting their activities lawfully and in a manner protective of human health, safety, and the environment; and

WHEREAS, unfortunately, many vessel operators and vessel rental businesses have not been complying with local, state, and federal laws pertaining to vessel safety and business regulation; and

WHEREAS, for example, law enforcement has discovered that many new vessel rental businesses have not been carrying proper liability insurance and have failed to pay local business taxes; and

WHEREAS, the increase in vessel activity on our waters, which has been prompted in significant part by vessel rental companies, also known as “liveries” or “charters,” has led to an increase in navigational hazards and vessel accidents and injuries on the water; and

WHEREAS, the rampant growth in charter and livery operations has also had adverse impacts on the environment, including damage to marine habitats in Biscayne Bay; and

WHEREAS, state law significantly constrains local governments' ability to regulate vessel activity on state waters such as Biscayne Bay, and therefore it is incumbent upon the state to take action to address the negative consequences of the recent increase in recreational vessel activity on state waters; and

WHEREAS, Senate Bill ("SB") 606 and House Bill ("HB") 493, both entitled the Boating Safety Act of 2022, have been filed for consideration during the 2022 session of the Florida Legislature by Senator Ileana Garcia (R – Miami) and Representative Adam Botana (R – Bonita Springs), respectively; and

WHEREAS, the Boating Safety Act of 2022 establishes a permitting scheme for vessel liveries, to be administered by the Florida Fish and Wildlife Conservation Commission, that protects economic activity but ensures that vessel liveries remain legally accountable and observe regulations designed to protect the safety of the customers who rent vessels from them; and

WHEREAS, the Boating Safety Act of 2022 also increases the civil penalties applicable for violations of certain vessel-safety laws, such as violating navigation rules, carelessly causing seagrass scarring, and anchoring or mooring in prohibited areas, as well as laws pertaining to vessel registration and transfer of title; and

WHEREAS, in addition to other provisions, the Boating Safety Act of 2022 provides for the creation of an Illegal Boating Strike Team "for the purpose of coordinating law enforcement at the federal, state, and local levels to increase public safety and decrease boating accidents, injuries, fatalities, and criminal activity"; and

WHEREAS, to protect the residents, visitors, environment, and economy of Miami-Dade County and the State of Florida, this Board wishes to urge the Florida Legislature to enact the Boating Safety Act of 2022 or similar legislation that regulates vessel liveries and promotes boating safety,

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 enact SB 606, HB 493, the Boating Safety Act of 2022, or similar legislation that regulates vessel liveries and promotes boating safety.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Ileana Garcia, Representative Adam Botana, and the Chair and remaining Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County’s state lobbyists to advocate for the legislation described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2022 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

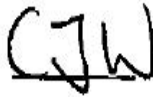
The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of December, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Christopher J. Wahl