

September 4, 2024

# Memorandum



**Date:** August 6, 2024

**To:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

**Subject:** Report to Conduct a Study to Determine Whether Any Year-round Boating-restricted Areas Should be Established on the Portion of Biscayne Bay North of the MacArthur Causeway until the County Line - Directive 240464

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## **Executive Summary**

The following information is provided in response to Resolution No. R-282-24, sponsored by Commissioners Micky Steinberg and Kevin Marino Cabrera, and adopted by the Board of County Commissioners on April 2, 2024, directing the County Mayor or County Mayor's designee to conduct a study to determine whether any year-round boating-restricted areas should be established on the portion of Biscayne Bay north of the MacArthur Causeway until the County line; collaborate with federal and state agencies that have jurisdiction over matters pertaining to boating safety or Biscayne Bay, including the United States Coast Guard, the Army Corps, and Florida Fish and Wildlife Conservation Commission (FFWCC), as well as municipalities that border Biscayne Bay; and if determined that boating restrictions should be established, consult and coordinate with the agencies and municipalities with jurisdiction over the area regarding the recommended boating restrictions; and prepare a report to present the findings of the study and make recommendations to the Board.

The number of registered vessels and personal watercrafts in Miami-Dade County (MDC), has increased in the last several years. In 2023, MDC reflected 18,767 registered vessels, which is the highest number in the State of Florida. In comparison, Monroe County had 2,499 vessel registrations reported in 2023. As such, there has been an increase in waterborne activities along MDC waterways. The Miami-Dade Police Department's (MDPD) Marine Patrol Unit (MPU) was tasked with conducting a study to determine if the current speed restricted areas need to be amended to address issues that arise from having such an increase in waterborne activity. The MPU requested enforcement statistics and vessel crashes from the FFWCC pertaining to the area of concern. In addition, guidance and feedback was sought from several agencies, including the United States Coast Guard, FFWCC, and other local law enforcement agencies.

As described in further detail below, it is recommended that increased enforcement rather than additional speed limitations areas would provide a greater impact. While the MPU has sufficient vessels, additional funding is required to conduct targeted enforcement without impacting routine patrol. These targeted patrols are estimated to incur a cost of approximately \$104,000 per year.

## **Background**

Florida Statutes 327.46, Boating-restricted areas, delineates conditions by which boating restrictions can be established. Florida Statutes 327.46(1) states that boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands. More specifically, Florida Statutes 327.46(1)(b) states that municipalities and counties may establish the following boating-restricted areas by ordinance, including, notwithstanding the prohibition in section 327.60(2)(c), within the portion of the Florida

Intracoastal Waterway (ICW) within their jurisdiction. MDC may establish an idle speed, no wake boating-restricted areas within the portion of the ICW if the area is:

- Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width.
- Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.
- Inside or within 300 feet of any lock structure.
- Within 300 feet of any bridge fender system.
- Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.
- On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline.
- On a lake or pond of less than 10 acres in total surface area.
- Within the boundaries of a permitted public mooring field and a buffer around the mooring field of up to 100 feet.
- Within 500 feet of a sewage pump out station at any public or private nonresidential marina, if the sewage pump out station is within 100 feet of the marked channel of the ICW.

The aforementioned criteria does not apply to the waterways within MDC. Florida Statutes 327.46(1)(c) lists another set of criteria that must be met to create an ordinance establishing a slow speed, minimum wake boating-restricted area, but it excludes the ICW. The criteria is as follows:

- Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway.
- Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels, or other users of the waterway.
- Subject to unsafe levels of vessel traffic congestion.
- Subject to hazardous water levels or currents or containing other navigational hazards.
- An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a significant risk of collision or a significant threat to boating safety.

This subsection does provide an avenue that MDC can consider when attempting to create ordinances establishing slow speed, minimum wake boating-restricted areas. As stated in the statute, any of the proposed ordinances will not take effect until the FFWCC has reviewed the ordinance and determined by substantial competent evidence that the ordinance is necessary to protect public safety.

There are two items that may apply when determining if changes should be made to the MDC boating restricted areas. These include unsafe levels of vessel traffic congestion and an area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data

demonstrate to present a significant risk of collision or a significant threat to boating safety. Regarding vessel traffic or congestion, the FFWCC states that the traffic density establishes a significant risk of collision or a significant threat to boating safety. To determine if unsafe levels of vessel traffic density or congestion exists, the FFWCC makes a determination based upon one or more of the following criteria:

- Accident reports – Reports of boating accidents will be considered if prepared contemporaneously with the boating accident being reported and if such reports establish that vessel traffic congestion or the speed, wake, or operation of a vessel involved in the accident was a primary contributing factor in the accident.
- Multiple Uniform Boating Citations issued. An increased level of enforcement has been taken within the area to reflect consistent violations impacting boating safety.
- Vessel traffic studies substantially demonstrating that vessel traffic congestion or the speed, wake, or operation of vessels in the area create unsafe levels of vessel traffic congestion, a significant risk of collision, or a significant threat to boating safety. The Commission will accept and review vessel traffic studies under this rule. Video surveillance made during a vessel traffic study shall include a corresponding log documenting the number of vessels, vessel types, examples of careless or reckless operation of vessels, navigation rule violations, actions taken to avoid collisions, unsafe vessel speeds, near misses of navigational hazards by vessels, or any other specific criteria the applicant wants considered, along with relevant video time stamps for each item.

### **Statistics:**

From January 2019 to April 2024 (approximately 5½ years), over 39,000 citations were issued in all of MDC waterways. Citations that provide no statistical value regarding speed restrictions, for example speeding in already established manatee zones (10,166) along with administrative violations, such as registration infractions (6,826), were removed from the total number. Of the remaining citations, only 400 citations that would provide reasoning for speed zone changes, such as Careless Operation of a Vessel, Reckless Operation of a Vessel, Boating Under the Influence, Violation of Navigation Rules, and speed zone related infractions were issued within the geographical area provided by the resolution. A total of seven citations for Careless and Reckless Operation of a Vessel were issued in areas that were not designated as speed restricted. Of those seven citations, five were issued in the ICW where the speed restriction varies seasonally. Therefore, Careless and Reckless Operation of a Vessel in an area without speed restrictions averaged to just over one citation issued per year.

A review of reported collisions with either other vessels or markers within the geographical area of the study, revealed that there were three incidents that occurred in 2019, five in 2020, two in 2021, and five in 2022. Statistically, the crash data provided does not support the need for expanding or establishing new speed restricted zones.

Since the enforcement or crash data does not provide support the expansion or need for additional speed restricted zones, other measures can be pursued, such as a vessel congestion study. With regards to this study, the FFWCC delineated a specific standard that should be followed with regards to vessel congestion studies. The following is a partial excerpt of the requirements.

- When vessel traffic studies alone are relied upon to establish a boating restricted area, the Commission shall rely on documentation of vessel traffic within the area for a minimum of 14 consecutive days.

According to the FFWCC, vessel traffic studies will not be considered unless they identify the number of vessels transiting the proposed boating restricted area each hour for no less than six hours out of each 24-hour period documented, and identify the area of the study by longitude and latitude. When this minimum threshold is met, the Commission will evaluate the area, taking all other relevant factors into consideration, including width of the waterway, vessel types using the waterway, navigational hazards, and will also consider evidence provided demonstrating the existence of conditions specific to the proposed boating restricted area impacting vessel traffic or vessel operations. It is in the opinion of the MPU that a professional maritime survey company be contracted to conduct such a study and also take note of any environmental impacts that vessel traffic may be affecting the surrounding areas. It is also important to take into consideration the neighboring channels, surrounding depth, residential impact, and navigational concerns with such vessel traffic. Such a study is well beyond the capability of the MPU.

### **Recommendation/Conclusion**

While the statistics may not rise to the level of establishing or expanding boating restricted areas, it is evident that the MDC waterways have become very busy and can be dangerous at times. North Bay Village Police Department (NBVPD) Lieutenant Peter Guevara explained that, while statistically there is not enough evidence in support of expanding speed restricted areas, there is a great concern specifically in the unrestricted waters west of Normandy Isles and Indian Creek Village. He believes that because most of the waterways are indeed restricted, personal watercraft activity tends to congregate within the area of concern. For further information, see attached document which details MDC's Manatee Protection and Boating Restricted Areas. NBVPD Lieutenant Guevara is supportive of a vessel congestion study and believes that it would better reflect the actual issues. Perhaps a solution would be to locate and designate an area where personal watercraft can operate, but the challenge is that most residents would not want that area to be within their neighborhood. A short-term answer may be to conduct targeted enforcement to address any careless or reckless activity in non-restricted areas identified in the resolution. FFWCC Major Alberto Maza explained that the greatest results will be realized by focusing our efforts on enforcement rather than adding more regulations.

During the course of this study, it was observed that the greater concern is the lack of the boating community adhering to the current restrictions. Rather than expanding speed restricted zones, a more functional impact can be realized with an increase in enforcement, coupled with education and awareness. It was evidenced that although there were law enforcement vessels within the geographical areas of concern, many of the boaters were not aware of the restrictions. Adding more signage along the waterways may increase awareness and help obtain compliance. As with any campaign, consistent enforcement would ensure an impact is solidified. There was recent legislation brought forward by State Senator Ileana Garcia, wherein fines associated with speeding in restricted maritime speed zones were increased to \$140. In comparison, fines for speeding in a school, construction, or toll zone can range anywhere from \$169 to \$619, with the possibility of acquiring points towards their driver license that can result in their driver license being suspended. An additional increase in the fine amounts for speeding in restricted maritime speed zones should be further explored.

It is the recommendation of the MPU to conduct routine targeted enforcement above and beyond the regular daily activity. The MPU will continue to work with their partner law enforcement agencies to conduct multi-agency enforcement operations to address safety concerns on the MDC waterways. In order to have a minimal impact on daily operations, the MPU needs to dedicate a vessel and two officers exclusively for this enforcement effort. This extra manpower creates a fiscal impact by way of overtime costs. For example, an eight-hour enforcement detail, one vessel with two officers, will cost approximately \$2,000. The MPU suggests conducting these enforcement efforts twice a week at a cost of \$4,000, every other week, with a yearly expense of



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\$104,000. As a measure to save on costs, the enforcement details can be scheduled with less frequency, with a focus on peak days and times.

Per Ordinance No. 14-65, this report will be placed on the next available Board meeting agenda.

Should you require additional information, please contact Director Stephanie V. Daniels, Miami-Dade Police Department, at 305-471-3272.

Attachment

c: Geri Bonzon-Keenan, County Attorney  
Gerald K. Sanchez, First Assistant County Attorney  
Jess M. McCarty, Executive Assistant County Attorney  
Office of the Mayor Senior Staff  
Stephanie V. Daniels, Director, Miami-Dade Police Department  
Theresa Therilus, Interim Chief, Office of Policy and Budgetary Affairs  
Adeyinka Majekodunmi, Commission Auditor  
Basia Pruna, Director, Clerk of the Board  
Eugene Love, Agenda Coordinator



## MIAMI-DADE COUNTY MANATEE PROTECTION AREAS AND BOATING RESTRICTED AREAS

For description of zone boundaries see:

68C-22.025 F.A.C for State Manatee Protection Zones last amended 12/25/1991

68D-24.013 F.A.C. for State Boating Restricted Areas last amended 8/14/1989

50 CFR part 17.108 Federal Manatee Protection Areas - N/A as of 1/2015

For information please call or write to:

Fish and Wildlife Conservation Commission  
Division of Habitat and Species Conservation  
Imperiled Species Management Section  
620 South Meridian Street - Mail Station 6A  
Tallahassee, FL 32399-1600  
PHONE (850) 922-4330 FAX (850) 922-4338

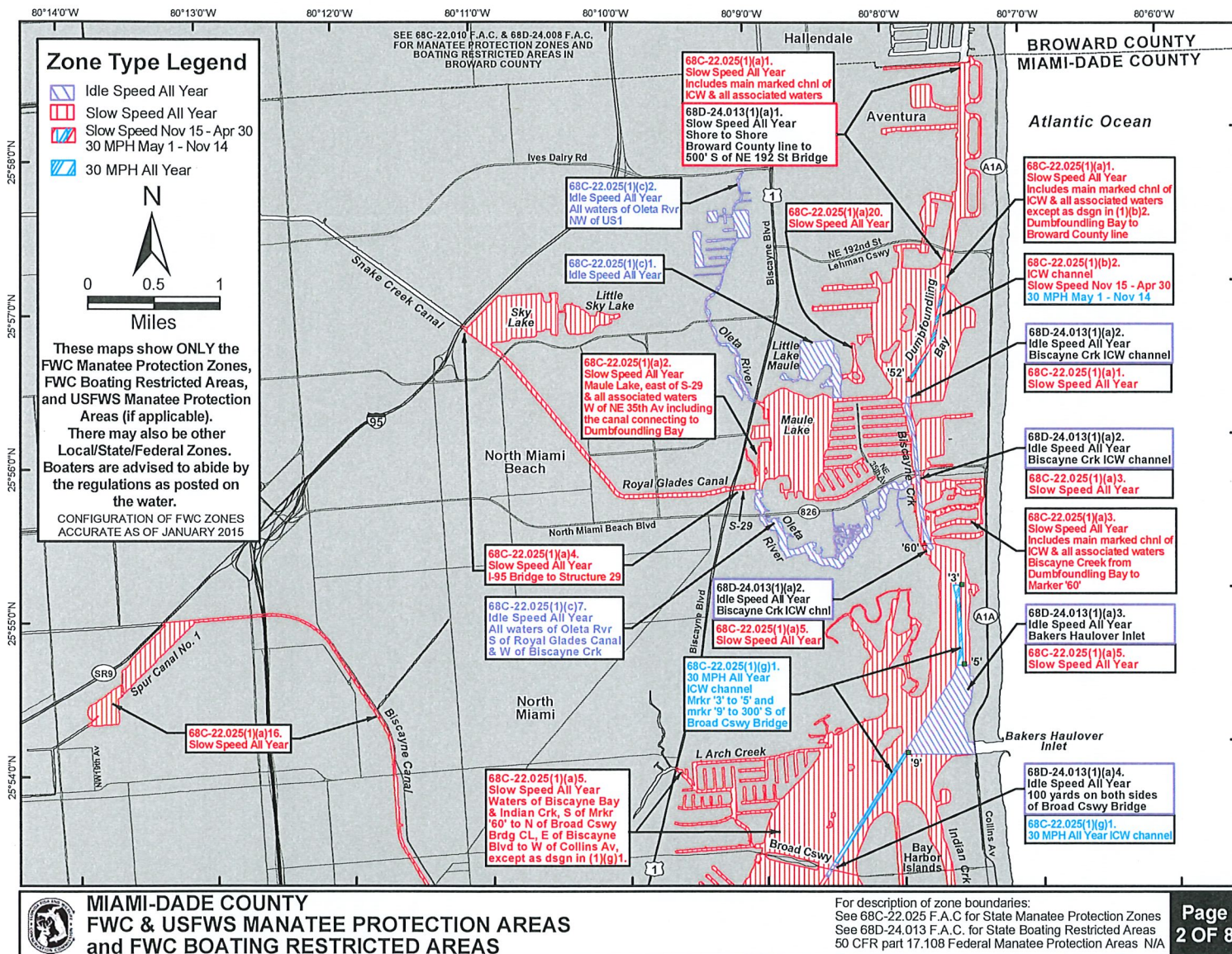
These maps show ONLY the FWC Manatee Protection Zones, FWC Boating Restricted Areas, and USFWS Manatee Protection Areas (if applicable).  
There may also be other Local/State/Federal Zones.  
Boaters are advised to abide by the regulations as posted on the water.

### ZONE TYPE LEGEND

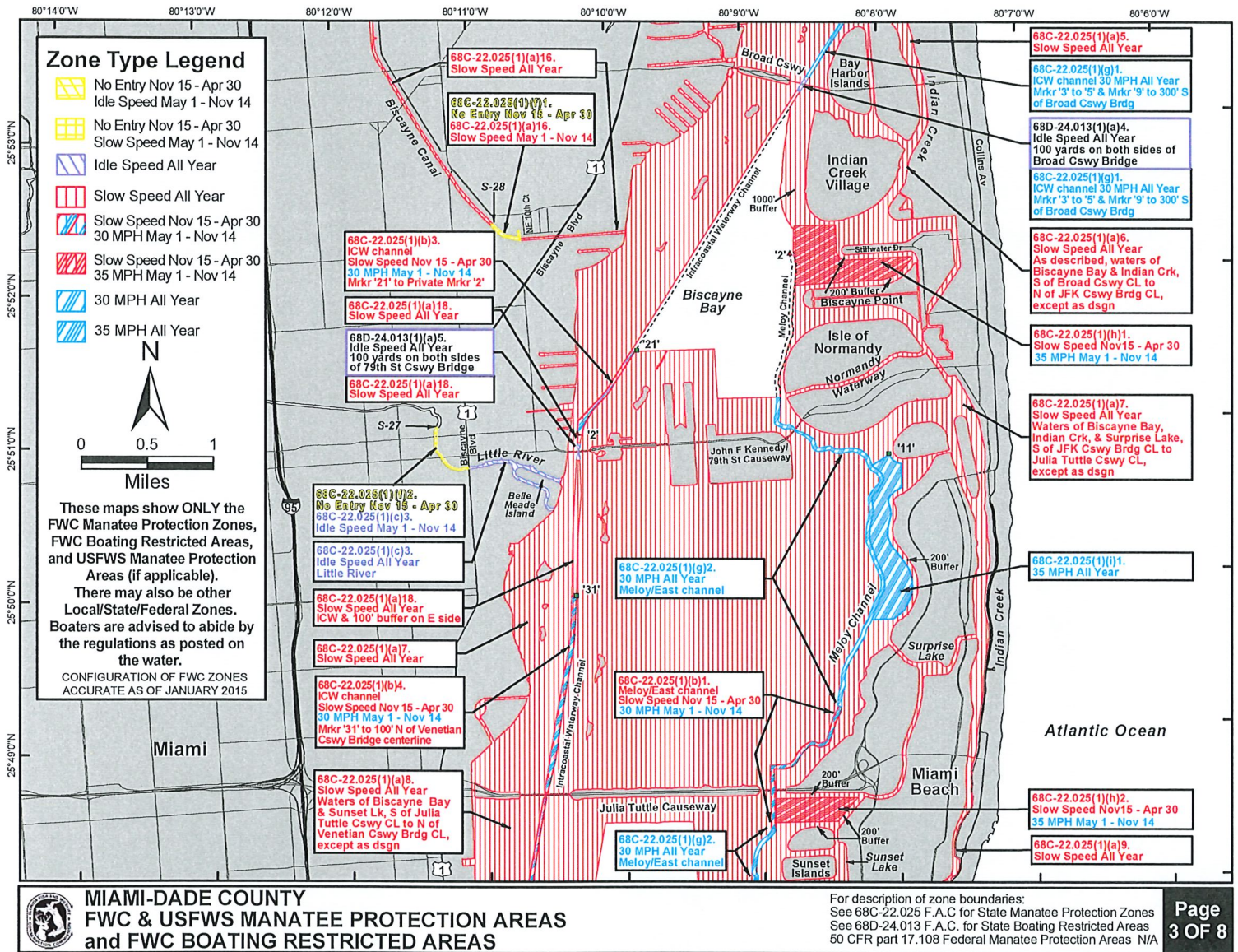
	No Entry All Year
	No Entry Nov 15 - Apr 30 Idle Speed May 1 - Nov 14
	No Entry Nov 15 - Apr 30 Slow Speed May 1 - Nov 14
	Motorboats Prohibited All Year
	Idle Speed All Year
	Slow Speed All Year
	Slow Speed Nov 15 - Apr 30 30mph May 1 - Nov 14
	Slow Speed Nov 15 - Apr 30 35mph May 1 - Nov 14
	30mph All Year
	35mph All Year

CONFIGURATION OF STATE ZONES ACCURATE AS OF JANUARY 2015

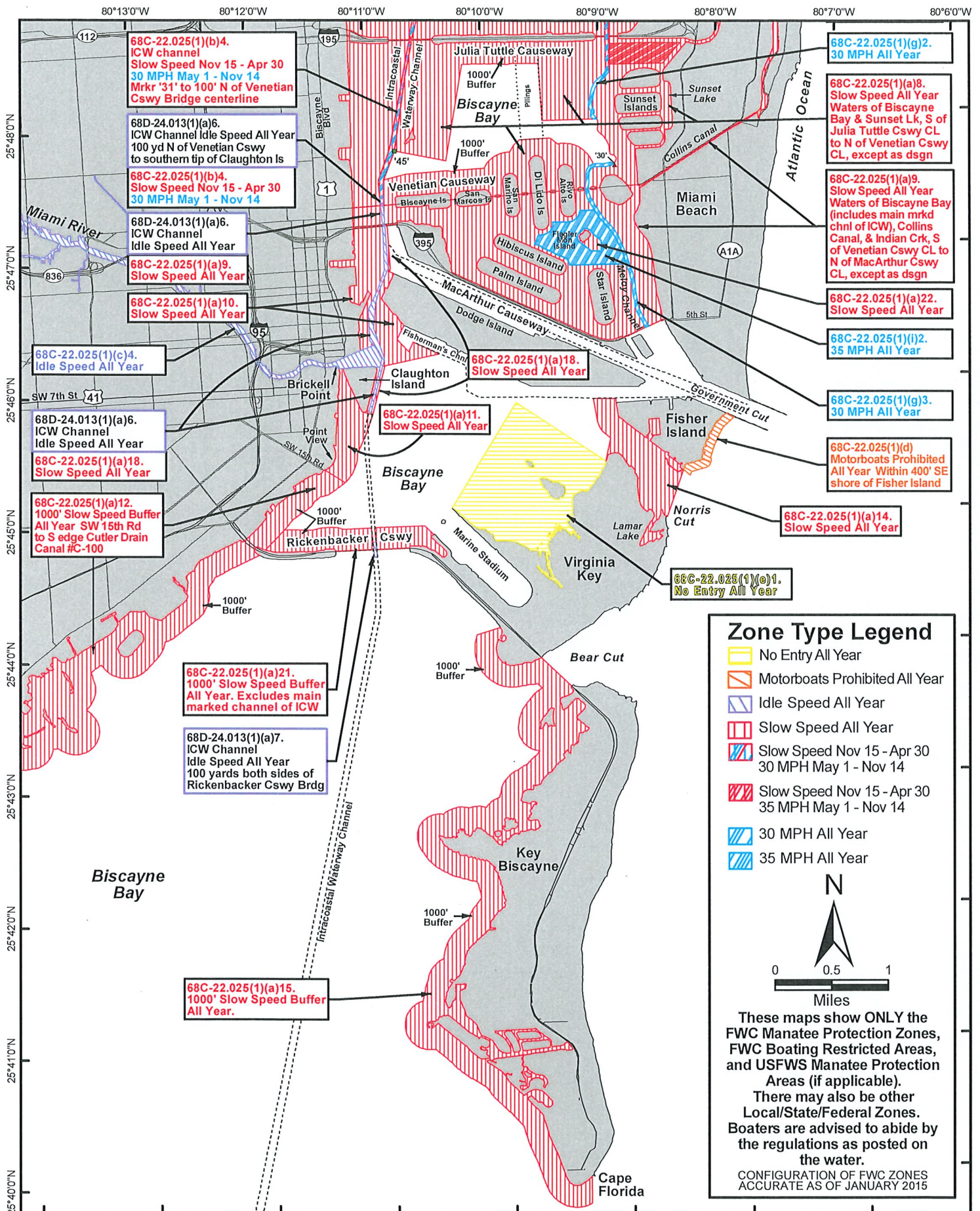




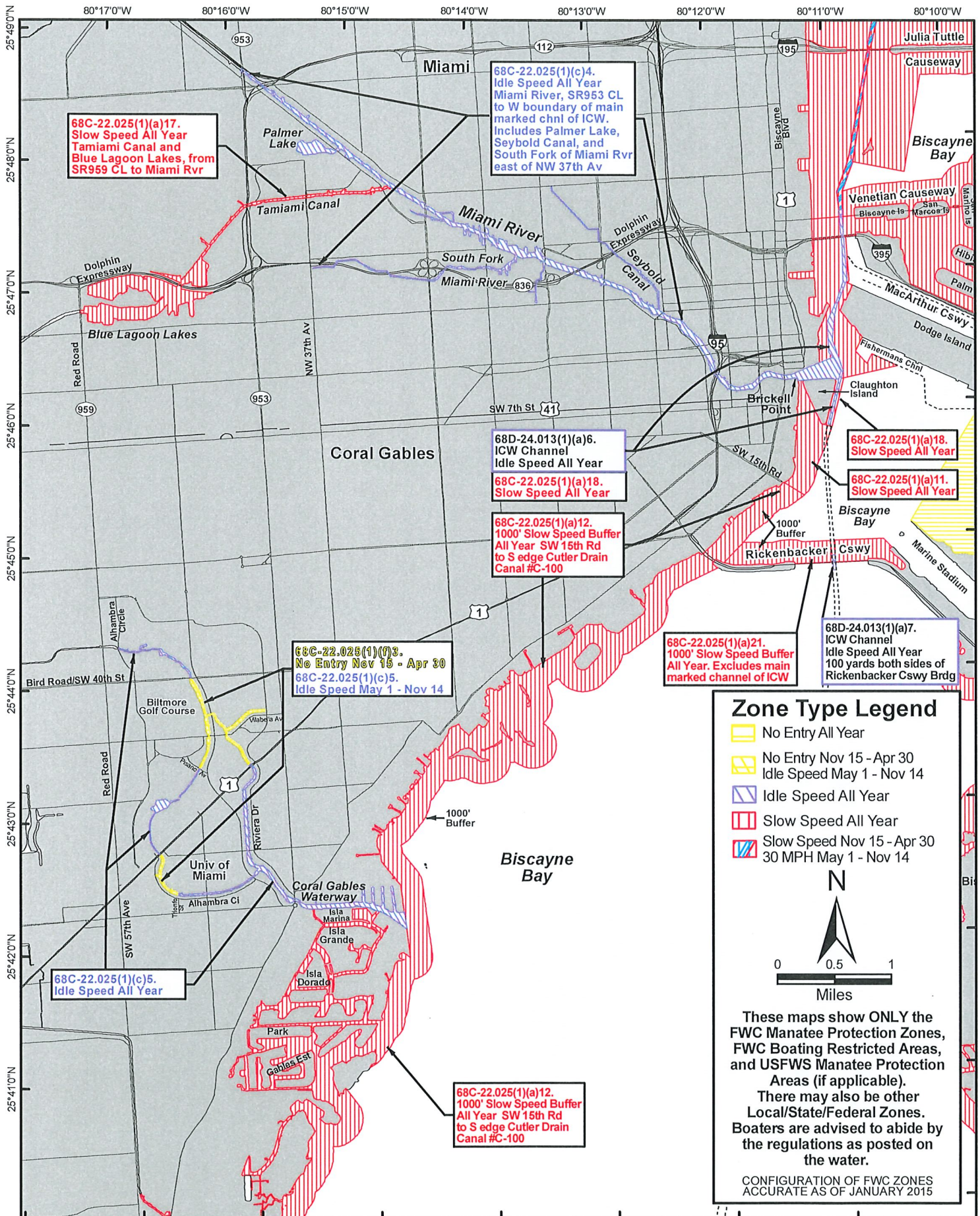








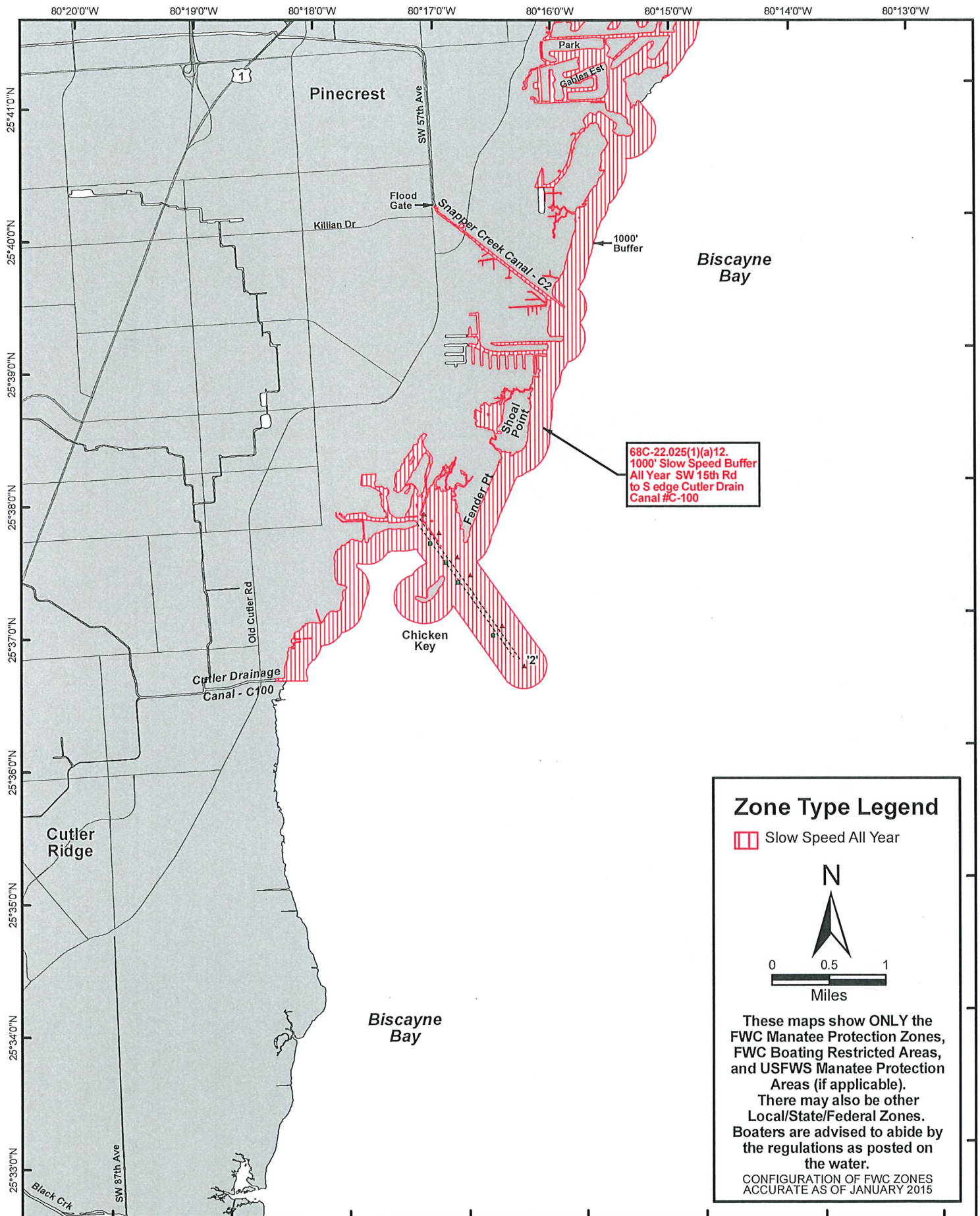




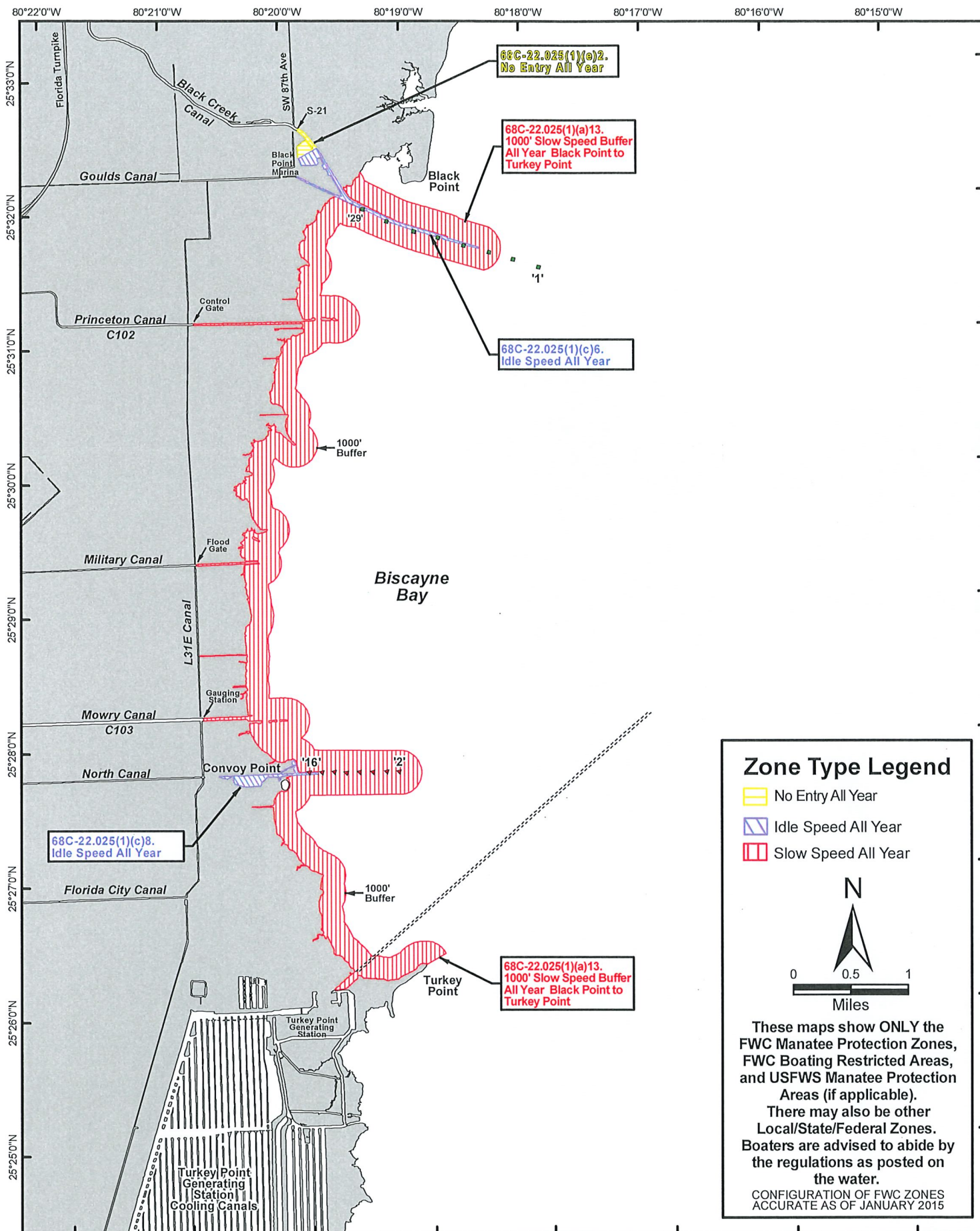
**MIAMI-DADE COUNTY  
FWC & USFWS MANATEE PROTECTION AREAS  
and FWC BOATING RESTRICTED AREAS**

For description of zone boundaries:  
See 68C-22.025 F.A.C for State Manatee Protection Zones  
See 68D-24.013 F.A.C. for State Boating Restricted Areas  
50 CFR part 17.108 Federal Manatee Protection Areas N/A





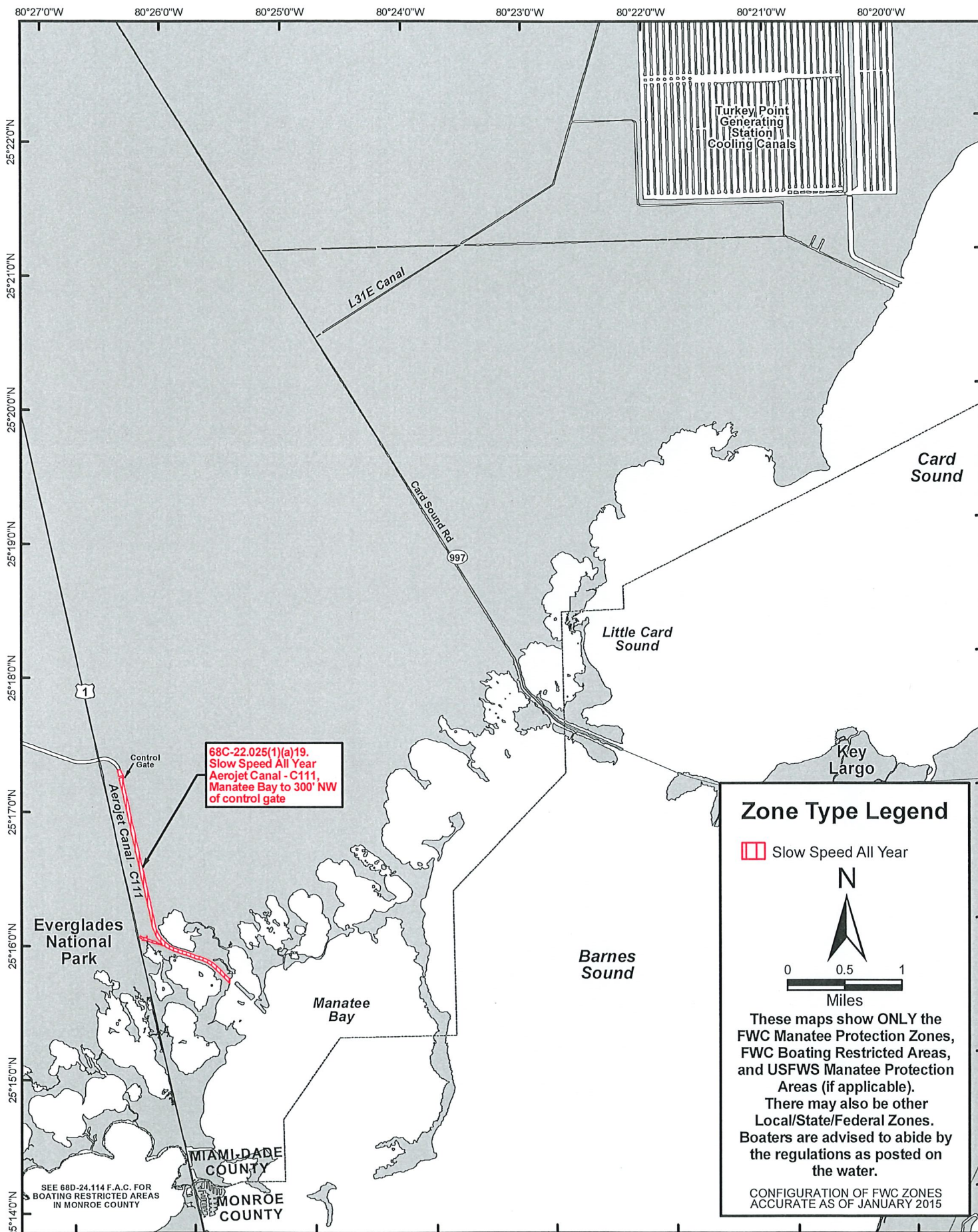




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