

# MEMORANDUM

Agenda Item No. 4(B)

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**TO:** Honorable Chairman Anthony Rodriguez  
and Members, Board of County Commissioners

**DATE:** June 2, 2026

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Ordinance relating to boats and waterways in the incorporated and unincorporated areas; creating section 7-40.1 of the Code; adopting overnight anchoring regulations, providing exemptions, and providing for enforcement by civil penalty and other remedies; amending section 8CC-10 of the Code; updating schedule of civil penalties to conform to amendments

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Vicki L. Lopez.



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Geri Bonzon-Keenan  
County Attorney

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MDC001



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Anthony Rodriguez  
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Geni Bonzon-Keenan  
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
- Requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, majority plus one \_\_\_\_, CDMP 7 votes (majority of membership) \_\_\_\_, CDMP 2/3 members present but not less than 7 votes (majority of membership) \_\_\_\_, CDMP 9 votes (2/3 membership) \_\_\_\_\_) 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. 4(B)  
6-2-26

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO BOATS AND WATERWAYS IN THE INCORPORATED AND UNINCORPORATED AREAS; CREATING SECTION 7-40.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ADOPTING OVERNIGHT ANCHORING REGULATIONS, PROVIDING EXEMPTIONS, AND PROVIDING FOR ENFORCEMENT BY CIVIL PENALTY AND OTHER REMEDIES; AMENDING SECTION 8CC-10 OF THE CODE; UPDATING SCHEDULE OF CIVIL PENALTIES TO CONFORM TO AMENDMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, as boating continues to be a popular recreational activity on Biscayne Bay and an important contributor to the economy and culture of Miami-Dade County, the County must also continue to ensure that public safety is promoted and that an increase in boats on Biscayne Bay does not adversely impact navigation and quality of life; and

**WHEREAS**, previously, section 327.60 of the Florida Statutes generally preempted local governments from regulating the anchoring of vessels outside the marked boundaries of mooring fields unless the vessels were live-aboard vessels or commercial vessels (excluding commercial fishing vessels); and

**WHEREAS**, section 327.4108(2) of the Florida Statutes provided a limited exception to this anchoring preemption, under which a county (but not a municipality) could establish 45-day anchoring limitation areas under certain conditions, but that authority was limited in scope and may have been difficult to enforce; and

**WHEREAS**, during the 2025 session of the Florida Legislature, this Board adopted Resolution No. R-312-25, which urged the Legislature to enact Senate Bill 866, House Bill 481, or similar legislation that would expand local government authority over anchoring; and

**WHEREAS**, ultimately the Legislature enacted, and the Florida Governor signed into law, House Bill 481; and

**WHEREAS**, House Bill 481 enacted, among other things, a broader exception to the anchoring preemption in section 327.60(2)(f)3., by which counties and municipalities could regulate “[v]essels anchored for a period of 1 hour or more between one-half hour after sunset and one-half hour before sunrise for more than 30 days in any 6-month period within the jurisdiction of a county with a population of 1.5 million or more, excluding any time the vessel is anchored overnight within the boundaries of a marked mooring field or any time the vessel is anchored overnight for the purpose of completing permitted marine construction, installation, or maintenance work”; and

**WHEREAS**, the United States Census Bureau estimates that, as of July 1, 2024, the population of Miami-Dade County was 2,838,461; and

**WHEREAS**, with a population well over 1.5 million, Miami-Dade County and its municipalities have the authority to enact anchoring regulations under section 327.60(2)(f)3.; and

**WHEREAS**, the proliferation of vessels anchored for extended periods of time in Biscayne Bay and the waters of Miami-Dade County has reached a critical point at which such practice now impedes other boaters’ use and enjoyment of the Bay and other waters, creates navigational hazards, and imposes environmental impacts, such as harm to seagrasses and other benthic resources; and

**WHEREAS**, alternatives to such anchoring practices exist that are significantly less harmful to navigation, the environment, and public welfare, including mooring vessels at docks, marinas, and mooring fields or storing vessels on land; and

**WHEREAS**, chapter 7 of the Code of Miami-Dade County, Florida (the “Code”), has regulations governing mooring and other boating activities; and

**WHEREAS**, this Board wishes to exercise this Board’s authority under section 327.60(2)(f)3. to regulate the overnight anchoring of vessels and to provide for enforcement by civil penalty under chapter 8CC of the Code and by the remedies under section 1-5 of the Code, which include but are not limited to injunctive relief and judicially imposed civil penalties at amounts significantly greater than the penalties under chapter 8CC; and

**WHEREAS**, to not unduly interfere with certain important long-term vessel activities, this Board also wishes to provide certain exemptions similar to exemptions that exist under state law for related anchoring regulations,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** The foregoing recitals are approved and incorporated herein.

**Section 2.** Section 7-40.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:<sup>1</sup>

>>**Sec. 7-40.1. – Restriction on overnight anchoring.**

- (a) Restriction on overnight anchoring. It shall be unlawful, whether on Biscayne Bay or any other waters of the state in the incorporated or unincorporated areas, for any vessel to be anchored for a period of 1 hour or more between one-half hour after sunset and one-half hour before sunrise for more than 30 days in any 6-month period, excluding any time the vessel is anchored overnight within the boundaries of a marked mooring field or any time the vessel is anchored overnight for the purpose of completing permitted marine construction, installation, or maintenance work.

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(b) Exemptions. The following vessels shall be exempt from the restriction in subsection (a):

- (1) Vessels owned or operated by a governmental entity or operated at the request of a governmental entity, if such vessels are engaged in a governmental function.
- (2) A construction or dredging vessel on an active job site.
- (3) A commercial fishing vessel, as defined in section 327.02, Florida Statutes, actively engaged in commercial fishing.

(c) Enforcement.

- (1) Any owner or operator of a vessel in violation of this section is subject to civil penalties under chapter 8CC and the remedies under section 1-5. Each day during any portion of which a vessel remains in violation of this section shall constitute a separate violation.
- (2) This section shall apply to both the incorporated and unincorporated areas. In the unincorporated area, this section may be enforced by the County through its code inspectors, and in the incorporated areas, this section may be enforced by both the municipalities and the County through its code inspectors unless a municipality has both adopted its own regulations as provided in paragraph (4) below and provided the County written notice from the municipality's governing body, and submitted to the Miami-Dade County Clerk of the Board, that the municipality does not want the County to enforce within the municipality's boundaries. It is provided further that this shall not be construed to limit the County's authority to enforce this section within a municipality that has not adopted its own regulations as provided in paragraph (4) below.
- (3) Any law enforcement officer with jurisdiction may also enforce this section.
- (4) This section is adopted under section 327.60(2)(f)3., Florida Statutes. Each municipality may establish and enforce its own anchoring regulations under

section 327.60(2)(f)3., and nothing in this section 7-40.1 shall be construed to prevent a municipality from adopting or enforcing regulations stricter than those in this section 7-40.1. A municipality that adopts or has previously adopted its own anchoring regulations under section 327.60(2)(f)3. shall file the applicable legislation with the Miami-Dade County Clerk of the Board, but the enforceability of such municipal regulation shall not be contingent on such filing.

- (5) The regulations in this section are supplemental to, and do not limit or otherwise alter, other regulations in this code or otherwise provided by federal, state, or local law unless expressly specified therein.<<

**Section 3.** Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 8CC-10. Schedule of Civil Penalties.**

The following table shows the sections of this code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The “descriptions of violations” below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed sections of this code, except to the extent that different types of violations of the same section may carry different civil penalties. For each section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this chapter, regardless of whether all activities proscribed or required within that particular section are described in the “Description of Violation” column. To determine the exact nature of any activity proscribed or required by this, the relevant section must be examined.

Code Section	Description of Violation	Civil Penalty
* * *		
7-37	Abandonment of vessel	100.00

>>7-40.1	<u>Any violation of section 7-40.1</u>	
	<u>First offense</u>	<u>500.00</u>
	<u>Second offense within five years</u>	<u>1,000.00</u>
	<u>Third or subsequent offense within five years</u>	<u>2,500.00</u> <<
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**Section 4.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 5.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 6.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Christopher J. Wahl  
Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Vicki L. Lopez