MEMORANDUM

Agenda Item No. 7(A)

TO:	Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners	**DATE:**	October 20, 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

A substitute was presented and forwarded to the BCC with a favorable recommendation at the July 14, 2026 Recreation, Tourism, and Resiliency Committee.

This substitute differs from the original item in that it: (1) provides an additional means of enforcement through the County's existing nuisance vessel process, which allows for relief such as removing, impounding, or destroying vessels after notice and an opportunity to be heard; (2) requires the issuance of a courtesy warning notice prior to enforcement action; and (3) provides definitions.

Rule 5.06(i) of the Board's Rules of Procedure provides that differences between an original item and a substitute item should be uniquely identified in the substitute by double underlining and double strike-through, or where such approach would not clearly show the difference or are not practical, by providing footnotes or comments on the item. Based on Rule 5.06(i), the preceding comprehensive description of the differences between the original item and the substitute item is provided in lieu of double underlining and double strike-through.

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

Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum

Date: October 20, 2026

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

From: Daniella Levine Cava
Mayor

Subject: Fiscal Impact and Social Equity Statements for Ordinance Relating to Overnight Anchoring Regulations

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The proposed ordinance creates Section 7-40.1 of the Code of Miami-Dade County to adopt overnight anchoring regulations, providing exemptions and for enforcement by civil penalty and other remedies relating to boats and waterways in the incorporated and unincorporated areas. Additionally, it also amends Section 8CC-10 of the Code to update the schedule for civil penalties to conform to said amendments.

Fiscal Impact Statement

The proposed ordinance could have a fiscal impact on the County, as the proposed ordinance will primarily be enforced by the Miami-Dade Sheriff's Office and may also require support from County Code Enforcement Officers to the extent that resources are needed to support enforcement activities. Potential costs may include additional staffing and patrol activity to conduct inspections, vessel documentation, follow-up inspections, recordkeeping, the purchase and maintenance of vessels and equipment, fuel and equipment utilization, and overtime expenses; however, the extent of any such impact cannot be determined at this time. To the extent additional funding is required, enforcement activities conducted by the Miami-Dade Sheriff's Office would likely be supported by the Countywide General Fund, while costs associated with County Code Enforcement activities would likely be supported through Department of Environmental Resources Management (DERM) revenues, subject to available funding and future budgetary actions.

Social Equity Statement

The proposed ordinance could provide a social equity benefit by improving boating safety, reducing congestion on County waterways, protecting environmentally sensitive habitats, reducing the risk of waterway contamination and environmental degradation associated with abandoned and derelict vessels, and enhancing recreational access and quality of life for residents and visitors.

Carladenise Edwards
Chief Administrative Officer

MEMORANDUM

(Revised)

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

DATE: October 20, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(A)

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. 7(A)
10-20-26

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:[1]

>>**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.

[1] 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. Vessels anchored in violation of this section shall also be declared to be nuisances, and the County may take enforcement action as to such nuisance vessels using the process set forth in division 2 of this article, which enforcement action may include, but shall not be limited to, removing, impounding, or destroying the vessel after the notice and opportunity to be heard provided by division 2.

(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 (5) 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 (5) below.

(3) Any law enforcement officer with jurisdiction may also enforce this section.

(4) *Courtesy Warning Notice.* Prior to the issuance of a penalty under chapter 8CC or the taking of other enforcement action, including the filing of an action in court, the owner or operator of a vessel in violation of this section or expected to soon be in violation of this section shall be given a warning notice in accordance with the following procedure:

(A) A warning notice shall be in writing and include: the date and time of the warning; the location of the vessel; a statement that the vessel is in violation of this section or expected to soon be in violation of this section; the timeframe during which the violation or expected violation has been occurring; the types of penalties that may be pursued if the violation is not corrected, including that such list of penalties is not necessarily exhaustive; and a statement either that the vessel needs to be removed or that the vessel soon will need to be removed.

(B) The warning notice shall be given personally to an owner, operator, or occupant of the vessel, except that if such person refuses to accept the notice, or if the vessel is unoccupied, or if occupancy cannot be determined, the notice may instead be affixed to the vessel. In addition to any of the foregoing means of delivering the warning notice, the warning notice shall be mailed by U.S. Postal Service certified mail, return receipt requested, to the vessel's registered owner and any lienholder of the vessel.

(C) The warning notice provided by this procedure is a courtesy, and the failure to provide a warning in accordance with this paragraph shall not serve as a defense to or in any way invalidate any proceeding undertaken to enforce this section.

(D) Upon receipt of a warning notice, a vessel owner or operator must be given an opportunity to provide proof that the vessel has not exceeded the restriction described in subsection (a). Such proof may take the form of documentation or electronic evidence, including, but not limited to, navigational devices or tracking devices.

(5) 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.

(6) 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.

(d) *Definitions*. For purposes of this section only, the following definitions shall apply.

(1) *Anchoring* or *anchored* shall refer to the act of temporarily securing a vessel in the water by means of an anchor or similar device and associated tackle that is carried on the vessel and cast or dropped overboard.

(2) *Operator* shall mean any person who operates a vessel, and the terms *person* and *operate* shall be as defined in section 327.02, Florida Statutes, as may be amended.

(3) *Owner* shall have the same meaning as the term *vessel owner* as defined in section 327.02, Florida Statutes, as may be amended.

(4) *Sunrise* shall mean the sunrise time per the National Weather Service or its successor.

(5) *Sunset* shall mean the sunset time per the National Weather Service or its successor.

(6) *Waters of the state* shall have the same meaning as the term *waters of this state* as defined in section 327.02, Florida Statutes, as may be amended.<<

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	Any violation of section 7-40.1	
	First offense	500.00

	Second offense within five years	1,000.00
	Third or subsequent offense within five years	2,500.00<<
* * *		

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: GBK

Prepared by: CJW

Christopher J. Wahl
Abbie Schwaderer-Raurell
Cristina M. Rabionet

Prime Sponsor: Commissioner Vicki L. Lopez
Co-Sponsor: Senator René García