

## MEMORANDUM

Agenda Item No. 11(A)(14)

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

**DATE:** July 8, 2021

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

**SUBJECT:** Resolution urging the  
Florida Legislature to enact  
legislation authorizing local  
code enforcement officers to  
enforce state statutes relating  
to at-risk and derelict vessels

Resolution No. R-675-21

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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/smm



## MEMORANDUM

(Revised)

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

**DATE:** July 8, 2021

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

**SUBJECT:** Agenda Item No. 11(A)(14)

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)(14)  
7-8-21

RESOLUTION NO. \_\_\_\_\_ R-675-21

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
ENACT LEGISLATION AUTHORIZING LOCAL CODE  
ENFORCEMENT OFFICERS TO ENFORCE STATE STATUTES  
RELATING TO AT-RISK AND DERELICT VESSELS

**WHEREAS**, derelict vessels left in the waters of Miami-Dade County can pose significant risks to the public and the environment, including navigational hazards, ecological harm, and negative aesthetic impacts, all of which can have adverse impacts on the local economy; and

**WHEREAS**, there are a significant number of vessels affixed to seawalls and docks in the County that present hazards and should be identified for purposes of cleaning up our waterways; and

**WHEREAS**, a “derelict vessel” is generally defined under section 823.11, Florida Statutes, as a vessel that is in a wrecked, junked, or substantially dismantled condition upon any waters of this state; at a port in this state without the consent of the agency having jurisdiction thereof; or docked, grounded, or beached upon the property of another without the consent of the owner of the property; and

**WHEREAS**, section 376.15, Florida Statutes, empowers certain law enforcement officers to relocate or remove derelict vessels from waters of the state; and

**WHEREAS**, section 327.4107, Florida Statutes, authorizes certain law enforcement officers to take enforcement action when a vessel is at risk of becoming derelict due to any of the following statutorily enumerated conditions:

- The vessel is taking on or has taken on water without an effective means to dewater;

- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is listing due to water intrusion; or
- The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives sufficient notice, stating such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair; and

**WHEREAS**, officers of the Florida Fish and Wildlife Conservation Commission (“FWC”) are authorized to enforce the above-referenced statutes pertaining to at-risk and derelict vessels, as are local law enforcement officers, including officers of the Miami-Dade Police Department (“MDPD”), which has a Marine Patrol Division; and

**WHEREAS**, the Miami-Dade County Division of Environmental Resources Management (“DERM”) has code enforcement officers who are familiar with and capable of enforcing the above-referenced statutes pertaining to at-risk and derelict vessels, but state law does not currently authorize local code enforcement officers to enforce those statutes; and

**WHEREAS**, at-risk and derelict vessels pose an ongoing problem in the waters of Miami-Dade County, and to address this problem, the County should be able to employ its public resources to the greatest extent feasible, including dispatching County code enforcement officers to enforce state statutes relating to at-risk and derelict vessels; and

**WHEREAS**, Miami-Dade County continues to demonstrate its commitment to combating the problems created by at-risk and derelict vessels; and

**WHEREAS**, for example, earlier this year, the County teamed up with various agencies with jurisdiction over County waters and established the Miami-Dade Waterways “At Risk” Vessels Task Force – a collaborative effort involving FWC, the United States Coast Guard, DERM, Florida International University (FIU), Biscayne National Park, the Miami-Dade Chiefs of Police Association, MDPD, 18 municipal police departments and marine patrols, and the County’s Chief Bay Officer; and

**WHEREAS**, the goals of the task force are community education, boat-owner engagement, and stepped-up enforcement action; and

**WHEREAS**, increased enforcement of at-risk and derelict vessel statutes can not only promote public safety and environmental health, but also help the County recover and lessen the significant costs of removing derelict vessels from County waters; and

**WHEREAS**, increased identification of at-risk vessels can also prevent further damage to, or deterioration of, vessels, docks, and seawalls on County waterways; and

**WHEREAS**, to promote public safety, protect our County’s unique ecology, and maintain the County’s status as one of the premier boating capitals of the world, this Board wishes to urge the Florida Legislature to enact legislation authorizing local code enforcement officers to enforce state statutes relating to at-risk and derelict vessels,

**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 legislation authorizing local code enforcement officers to enforce state statutes relating to at-risk and derelict vessels.

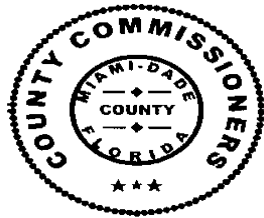
**Section 2.** Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

**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 include this item in the 2022 State Legislative Package when it is presented to the Board.

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

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

The Chairperson thereupon declared this resolution duly passed and adopted this 8<sup>th</sup> day of July, 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: Melissa Adames  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

CJW

Christopher J. Wahl