

MEMORANDUM

Agenda Item No. 11(A)(6)

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

DATE: December 12, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to conduct a study regarding the adequacy of the lighting on the aids to navigation on Biscayne Bay and to make recommendations to this Board; authorizing the County Mayor to submit appropriate recommendations to the United States Coast Guard; and directing the County Mayor to provide reports

Resolution No. R-1155-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.



Geri Bonzon-Keenan
County Attorney

GBK/ks



MEMORANDUM

(Revised)

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

DATE: December 12, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

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)(6)
12-12-23

RESOLUTION NO. R-1155-23

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONDUCT A STUDY REGARDING THE ADEQUACY OF THE LIGHTING ON THE AIDS TO NAVIGATION ON BISCAYNE BAY AND TO MAKE RECOMMENDATIONS TO THIS BOARD; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SUBMIT APPROPRIATE RECOMMENDATIONS TO THE UNITED STATES COAST GUARD; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE REPORTS

WHEREAS, boating safety is of paramount concern in Miami-Dade County, where many residents and visitors enjoy boating on Biscayne Bay and other waterways; and

WHEREAS, the United States Aids to Navigation System, codified at part 62 of title 33 of the Code of Federal Regulations and administered by the United States Coast Guard, is the system of visual, audible, and electronic signals designed to assist mariners in the process of navigation; and

WHEREAS, according to the regulations, "[t]he primary objective of the aids to navigation system is to mark navigable channels and waterways, obstructions adjacent to these waterways, and obstructions in areas of general navigation which may not be anticipated"; and

WHEREAS, the Aids to Navigation System provides for the use of lighting to enhance visibility of navigation aids such as beacons, buoys, and waterway markers; and

WHEREAS, such lighting features include lights, reflectors, and light-reflecting materials; and

WHEREAS, although lights can help illuminate navigation aids, different light colors and rhythms can also convey information to mariners to further aid them in their navigation; and

WHEREAS, the Aids to Navigation System provides a process by which recommendations can be sent to the Coast Guard to recommend changes to existing aids to navigation, request new aids or the discontinuation of existing aids, and report aids no longer necessary for maritime safety; and

WHEREAS, the federal regulations further provide that such recommendations may be sent to the appropriate District Commander and should be documented with as much information as possible to justify the proposed action, including such information as:

- Nature of the vessels which transit the area(s) in question, including type, displacement, draft, and number of passengers and crew;
- Where practicable, the kinds of navigating devices used aboard such vessels (for example, magnetic or gyro compasses, radio direction finders, radar, loran, and searchlights); and
- A chartlet or sketch describing the actual or proposed location of the aid(s), and a description of the action requested or recommended; and

WHEREAS, although excessive lighting on waterways could become confusing and thus potentially hazardous to boaters, recent boating safety incidents on Biscayne Bay have called into question whether the waterway markers and other aids to navigation in Biscayne Bay are adequately lit, particularly at night, and whether the aids to navigation are otherwise adequate; and

WHEREAS, this Board therefore wishes to direct the County Mayor or County Mayor's designee to conduct a study regarding the adequacy, from a public safety perspective, of the lighting on the aids to navigation on Biscayne Bay, to make recommendations to this Board, and to submit appropriate recommendations to the Coast Guard, if advisable,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Directs the County Mayor or County Mayor's designee to conduct a study regarding the adequacy, from a public safety perspective, of the lighting on the aids to navigation on Biscayne Bay and to make recommendations to this Board as to actions that could be taken to improve such lighting or otherwise improve navigation on Biscayne Bay.

Section 2. The County Mayor or County Mayor's designee is hereby authorized to submit to the United States Coast Guard appropriate recommendations to improve the adequacy of the lighting on the aids to navigation on Biscayne Bay or otherwise improve navigation on Biscayne Bay, if the County Mayor or County Mayor's designee deems it advisable in the interest of public safety to do so.

Section 3. The County Mayor or County Mayor's designee shall prepare a written report setting forth: (1) the findings of the study required by section 1 of this resolution; (2) the recommendations required by section 1; and (3) the recommendations, if any, that the County Mayor or County Mayor's designee submitted to the Coast Guard pursuant to the authorization in section 2 of this resolution. The County Mayor or County Mayor's designee shall provide the report to this Board within 60 days of the effective date of this resolution and place the completed report on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure.

Section 4. If the County Mayor or County Mayor's designee has submitted recommendations to the Coast Guard pursuant to the authorization in section 2 of this resolution, then the County Mayor or County Mayor's designee shall provide periodic status updates to this Board in the form of written reports regarding what, if any, action the Coast Guard is taking or has

taken in response to the submitted recommendations. Each status update shall be provided to this Board within 60 days after the submission of the prior status update. Pursuant to rule 5.06(j) of the Board's Rules of Procedure, the completed reports shall be placed on an agenda of the full Board without committee review.

The Prime Sponsor of the foregoing resolution is Senator René García. It was offered by Commissioner **Anthony Rodriguez**, who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	absent	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	absent
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 12th day of December, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CJW

Christopher J. Wahl