

MEMORANDUM

Agenda Item No. 11(A)(11)

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

DATE: April 2, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to (1) create a County-wide campaign to educate the public about safely digging in the sand and the associated risks, (2) design and place in County owned and operated beaches signage outlining precautions individuals should take, and (3) encourage beachfront concessionaires and hotels throughout the County to utilize similar signage; requiring a report; and urging governmental entities who manage or own beach property within the County to adopt similar signage

Resolution No. R-288-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Micky Steinberg.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

DATE: April 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

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

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)(11)
4-2-24

RESOLUTION NO. R-288-24

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO (1) CREATE A COUNTY-WIDE CAMPAIGN TO EDUCATE THE PUBLIC ABOUT SAFELY DIGGING IN THE SAND AND THE ASSOCIATED RISKS, (2) DESIGN AND PLACE IN COUNTY OWNED AND OPERATED BEACHES SIGNAGE OUTLINING PRECAUTIONS INDIVIDUALS SHOULD TAKE, AND (3) ENCOURAGE BEACHFRONT CONCESSIONAIRES AND HOTELS THROUGHOUT THE COUNTY TO UTILIZE SIMILAR SIGNAGE; REQUIRING A REPORT; AND URGING GOVERNMENTAL ENTITIES WHO MANAGE OR OWN BEACH PROPERTY WITHIN THE COUNTY TO ADOPT SIMILAR SIGNAGE

WHEREAS, the beaches in Miami-Dade County serve as popular destinations for tourists and residents alike to commune with nature and each other; and

WHEREAS, beachgoers largely underrecognize the dangers posed by the collapse of holes dug in the sand; and

WHEREAS, on February 20, 2024, the collapse of a sand hole killed a 7-year-old girl who was digging with her 9-year-old brother at Lauderdale-by-the-Sea's beach in Fort Lauderdale, Florida; and

WHEREAS, similar incidents include the death of a 17-year-old boy following the collapse of a sand dune into a hole that had been dug in the Outer Banks of North Carolina in May 2023, the death of an 18-year-old man while digging an 8- to 10-foot hole with his younger sister in a beach in New Jersey in May 2022, and the death of a 13-year-old boy digging in Utah's Coral Pink Sand Dunes State Park also in May 2022; and

WHEREAS, individuals may underestimate the risks accompanying this recreational activity performed in settings associated with leisure; and

WHEREAS, for the safety and welfare of the residents and visitors of Miami-Dade County beaches, this Board wishes to encourage safe sand-digging practices through the creation of a County-wide educational campaign, the installation of signage in County owned and operated beaches, and the encouragement of beachfront concessionaires and hotels throughout the County to utilize similar signage; and

WHEREAS, this Board wishes to urge other governmental entities who manage or own beach property within the County to adopt similar signage,

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, using legally available funds in the Fiscal Year 2023-2024 budget, (1) create a County-wide campaign to educate the public about safely digging in the sand and the associated risks, (2) design and place in County owned and operated beaches signage outlining precautions individuals should take, and (3) encourage beachfront concessionaires and hotels throughout the County to utilize similar signage. The County's signage shall comply with all applicable requirements for signs, including but not limited to the County Sign Code. The County Mayor or County Mayor's designee shall provide a report to this Board within 180 days of the effective date of this resolution regarding this directive, including the status of the educational campaign and the locations where signage has been displayed in County owned and operated beaches, 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. Alternatively, if the County Mayor or County Mayor's designee is unable to identify

legally available funds within the Fiscal Year 2023-2024 budget for this purpose, the County Mayor or County Mayor’s designee shall provide a written report within 60 days of the effective date of this resolution setting forth any reasons why funds have not been identified or cannot be used or allocated for such purposes, 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 2. Urges governmental entities who manage or own beach property within the County to adopt similar signage.

Section 3. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the Members of the Miami-Dade State Legislative Delegation, and the Mayor or Manager and the Council or Commission of each municipality in Miami-Dade County that manages or owns beach property.

The Prime Sponsor of the foregoing resolution is Commissioner Micky Steinberg. It was offered by Commissioner **Eileen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Kevin Marino Cabrera** 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	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	aye
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 2nd day of April, 2024. 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.

A handwritten signature in dark ink, appearing to be "JO", is written over a horizontal line.

Jose I. Ortega