

MEMORANDUM

Agenda Item No. 11(A)(1)

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

DATE: September 17, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to adopt legislation
amending boating safety laws to
promote safety, prevent
accidents, and ensure that
violators are brought to justice

Resolution No. R-820-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

DATE: September 17, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

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 ____, majority plus one ____, 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) ____, 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)(1)
9-17-24

RESOLUTION NO. R-820-24

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ADOPT LEGISLATION AMENDING BOATING SAFETY
LAWS TO PROMOTE SAFETY, PREVENT ACCIDENTS, AND
ENSURE THAT VIOLATORS ARE BROUGHT TO JUSTICE

WHEREAS, boating safety is of paramount concern on Biscayne Bay and Miami-Dade County waterways; and

WHEREAS, chapter 327 of the Florida Statutes, entitled “Vessel Safety,” has regulations governing boating safety and navigation, including criminal penalties for reckless or careless operation of a vessel, vessel homicide, and boating-under-the-influence manslaughter; and

WHEREAS, boating without proper observance of navigation rules and related boating laws can pose a grave risk to public safety; and

WHEREAS, over the past few years, multiple tragic boating accidents on Biscayne Bay have claimed the lives of County residents and visitors, including Luciana “Lucy” Fernandez, who was killed when a boat crashed into a channel marker on September 4, 2022; and

WHEREAS, this Board is concerned that current boating laws are not sufficient to ensure boating safety; and

WHEREAS, this Board has therefore taken recent action to promote vessel safety on County waters; and

WHEREAS, on December 12, 2023, this Board adopted Resolution No. R-1155-23, which directed 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; and

WHEREAS, on April 2, 2024, this Board adopted Resolution No. R-282-24, which directed the County Mayor or County Mayor's designee to study whether any year-round boating restricted areas (idle speed, no wake zones; slow speed, minimum wake zones; numerical speed limit zones; or vessel exclusion zones) should be established in certain portions of Biscayne Bay; and

WHEREAS, on May 21, 2024, this Board adopted Resolution No. R-461-24, which urged the Florida Legislature to align the penalties imposed on vessel operators who flee the scene of an accident with those applicable to vehicular drivers; and

WHEREAS, this Board is still concerned that, when homicides and other crimes take place on the water due to boating collisions, accidents, or other incidents, state criminal law is not sufficient to ensure that violators are brought to justice; and

WHEREAS, this Board therefore wishes to urge the Florida Legislature to adopt additional amendments to state boating safety laws to promote safety, prevent accidents, and ensure that violators are brought to justice,

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 adopt legislation amending boating safety laws to promote safety, prevent accidents, and ensure that violators are brought to justice, including by achieving the following:

- Enhance penalties for vessel operators who are reckless and cause serious bodily injury, or who violate a navigational rule and cause death or serious bodily injury, by making these offenses third degree felonies;
- Enhance penalties for vessel operators who willfully leave the scene of a vessel collision based on the level of injury, by making it: a first degree felony if it was a fatal crash; a

second degree felony if it was a crash with serious bodily injury; a third degree felony if it was a crash with injury other than serious bodily injury; and a misdemeanor of the first degree if it was a crash resulting in property damage;

- Provide a mandatory minimum term of imprisonment of four years for boating under the influence for the crimes of manslaughter and willfully leaving the scene of a fatal vessel collision; and
- Provide that the crimes of vessel homicide and boating-under-the-influence manslaughter include the killing of an unborn child by any injury to the mother.

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

Section 3. Directs the County's state lobbyists to advocate for the action described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2025 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was offered by Commissioner **Marleine Bastien**, who moved its adoption. The motion was seconded by Commissioner **Sen. René García** 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	aye
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 17th day of September, 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 black ink, appearing to read "CJW", is written over a horizontal line.

Christopher J. Wahl