

MEMORANDUM

Agenda Item No. 11(A)(22)

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

DATE: March 18, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact Senate Bill
866, House Bill 481, or similar
legislation that would expand
local government authority over
anchoring

Resolution No. R-312-25

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/jp



MEMORANDUM (Revised)

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

DATE: March 18, 2025

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Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(22)

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)(22)
3-18-25

RESOLUTION NO. _____ R-312-25

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT SENATE BILL 866, HOUSE BILL 481, OR SIMILAR
LEGISLATION THAT WOULD EXPAND LOCAL
GOVERNMENT AUTHORITY OVER ANCHORING

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, section 327.60 of the Florida Statutes generally preempts local governments from regulating the anchoring of vessels outside the marked boundaries of mooring fields unless the vessels are live-aboard vessels or commercial vessels (excluding commercial fishing vessels); and

WHEREAS, section 327.4108(2) of the Florida Statutes provides a limited exception to this preemption, under which a county (but not a municipality) may establish 45-day anchoring limitation areas (“ALAs”) under certain conditions, but this authority is limited in scope and difficult to enforce; and

WHEREAS, these 45-day ALAs which a county may establish pursuant to section 327.4108(2) are distinct and apart from the ALAs that were codified by the Florida Legislature in section 327.4108(1), which prohibit overnight anchoring but only in the geographic areas that are specifically listed in section 327.4108(1), including, for example, “Sunset Lake in Miami-Dade County,” and “[t]he sections of Biscayne Bay in Miami-Dade County lying between: . . . Rivo Alto Island and Di Lido Island”; and

WHEREAS, Senate Bill (“SB”) 866 and House Bill (“HB”) 481 have been filed for consideration during the 2025 session of the Florida Legislature by Senator Jonathan Martin (R – Fort Myers) and Representative Vicki L. Lopez (R – Miami), respectively; and

WHEREAS, SB 866 partially repeals the current preemption on local government regulation of the anchoring of vessels outside of marked mooring fields so that the preemption applies only in counties with populations of 1.5 million or greater (Miami-Dade, Broward, Palm Beach, and Hillsborough Counties) or in areas of critical state concern (Monroe County), but then SB 866 provides a broad exception to that preemption; and

WHEREAS, under that broad exception to the preemption, a local government could regulate the anchoring of any vessel that remains anchored overnight for a period of at least 4 hours any time between one-half hour after sunset and one-half hour before sunrise within the jurisdiction of a county for more than 30 days in a 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; and

WHEREAS, HB 481 provides a similar exception to the anchoring preemption in counties with populations of 1.5 million or greater but does not repeal or grant an exception to the preemption for other counties; and

WHEREAS, SB 866 and HB 481 would also designate as additional ALAs where overnight anchoring is prohibited the sections of Biscayne Bay lying between Palm Island and Star Island, Palm Island and Hibiscus Island, and Palm Island and Watson Island, and HB 481 would further designate the sections of Biscayne Bay lying between the Sunset Islands and between Sunset Island I and State Road 112; and

WHEREAS, SB 866 and HB 481 would also increase the prohibited distance for anchoring or mooring of vessels or floating structures near public mooring fields from 100 feet to 300 feet; and

WHEREAS, because SB 866 and HB 481 would expand local government authority over anchoring and promote vessel safety and navigability on Biscayne Bay, this Board wishes to urge the Florida Legislature to adopt SB 866 and HB 481,

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 Senate Bill 866, House Bill 481, or similar legislation that would expand local government authority over anchoring.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, Senator Jonathan Martin, Representative Vicki L. Lopez, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2025 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was offered by Commissioner **Roberto J. Gonzalez** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of March, 2025. 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