

Boater Safety and Bay Education Task Force Meeting

Date: November 13, 2025 - 1:00 PM

Department of Environmental Resources Management

1. WELCOME AND ATTENDANCE

Chairman, Andy Fernandez acknowledged the group's dedication and the progress made in 2025, particularly in raising awareness, building partnerships, and identifying steps to improve safety on the water. Despite this progress, recent tragic accidents, including one in Nixon Sandbar just days earlier, underscore the urgency of the mission. With today's focus on potential legislative changes, the task force has an opportunity to shape policies that protect lives and preserve Biscayne Bay. The Chairman encouraged bold, practical, data-driven thinking and thanked members for their continued commitment. After noting the ambitious agenda, he recognized two attendees representing the State Attorney's Office, Ruben Silovino and Ulises Martinez.

2. APPROVAL OF AGENDA – *Actionable Item*

Chair Andy Fernandez called for approval of the agenda. Agenda approved unanimously.

3. APPROVAL OF MINUTES – *Actionable Item*

Chair Andy Fernandez called for approval of the Minutes from the October 16th meeting. Minutes approved unanimously.

4. COUNTY'S LEGISLATIVE PRIORITIES PROCESS

Mike Mastrucci, Miami-Dade County Attorney's Office

- Mike explained how Miami-Dade County advances legislative items at both the local and state levels. He clarified that the Board of County Commissioners serves as the county's policy and legislative body, responsible for passing local laws and issuing formal urgings to the state or federal government. Once the Board approves an item, the county's contract lobbyists are authorized to advocate for it at the state or federal level. Each year, the Office of Intergovernmental Affairs compiles state and federal legislative packages that include all urging resolutions passed by the Board, departmental legislative requests, and Public Health Trust priorities. The Board may select up to ten top priorities through a ballot process, although for the 2026 state session it chose not to designate any, leaving all items on equal footing. One item currently included is support for funding the Miami-Dade Boater Safety Education Program lead by the Parks, Recreation & Open Spaces Department. Additional items can still be added as the Board passes new legislation.

Task Force member discussion highlights:

- Chair Andy begins by asking whether the funding support in the legislative package for the Miami-Dade Boater Safety Education Program is meant for county employees or the general public, and Mike replies that he will need to look into it. Andy then asks how an item becomes one of the Board of County Commissioners' legislative priorities, and Mike explains that priorities are usually selected from items already in the legislative package, although the Board chose

not to designate priorities for the 2026 session. Andy asked whether the mayor could help advance a task force recommendation, and Mike clarifies that urging resolutions must be sponsored by a commissioner, though the mayor can encourage commissioners to take action. Andy confirms that this process applies only to items requiring state legislation, and Mike agrees. Taylor then asks about when county legislation is sufficient and when state or federal action is needed, and Mike confirms his understanding. Andy follows up with a practical example about requiring proof of a Florida Boater Safety ID card to rent a slip at a county marina, and Mike agrees it could likely be done locally through an ordinance if it applies only to county-owned facilities. Abad Melwani asks whether any state law would preempt such a rule, and Mike says he is not aware of any but will research it further.

5. CURRENT LEGISLATIVE CONTEXT

Boater Safety and Bay Education Task Force Chairman, Andy Fernandez

- a. Lucy's Law**
- b. Florida's Boater Freedom Act**
- c. Vessel Accountability Act**
- d. Other**

- Andy opens the discussion by asking law enforcement leaders for feedback on the new 2025 boating laws and invites Lieutenant Mike Barrios, Miami-Dade Sheriff's Office, to explain how these laws are communicated within his agency. Lt. Barrios describes how the Sheriff's Office distributes updates, which he then shares with deputies through printed copies and roll call discussions. Andy then asks about public outreach, and Barrios notes that the Sheriff's Office does not currently have public education initiatives around the new boating laws. When Andy asks whether the laws have changed boater behavior, Barrios explains that it is hard to tell because the season has shifted toward tourists and rental operators, making education a bigger issue than behavior change. Andy asks whether the new laws have created challenges, and Barrios points to the Boater Freedom Act, which now requires probable cause for stops and limits proactive safety checks, although many violations like manatee zone speeding still provide grounds for enforcement. Andy asks what probable cause looks like on the water, and Barrios lists examples such as speeding, creating wake, missing life jackets, or improper vessel numbers, while noting that well-informed operators could avoid giving officers any basis for a stop. Andy raises the need for data to measure the law's impact, but Barrios explains that it is difficult to track what officers cannot stop or detect. Finally, when asked what additional support would help, Barrios emphasizes the need for more on-water presence, either through hiring more officers or funding overtime shifts, arguing that visible enforcement is the most effective deterrent to unsafe behavior.
- Andy raises the idea of strengthening land-based enforcement to support marine officers, and Mike Simpson agrees, explaining that much illegal commercial activity begins on land and that land-based agencies could help reduce the burden on marine units, allowing officers to spend more time on the water where their presence has the greatest deterrent effect. Barrios adds that during river operations, officers often hear charter operators warning each other over VHF radios when police are present, which immediately changes behavior, reinforcing the value of visible enforcement. Andy notes that even something as simple as parking a police truck at a boat ramp can discourage unsafe behavior and free marine officers for on-water duties. Barrios explains that the county already hires officers for ramp enforcement during busy months, which helps stop

problem vessels before they launch, although identifying illegal charters at the ramp remains difficult without probable cause.

- Ruben from the State Attorney's Office explains that his team reviews every warrant and works closely with law enforcement on developing and articulating probable cause, noting that officers usually recognize PC in the field but sometimes need help expressing it clearly in reports or calls. He offers to partner with agencies through meetings or trainings to strengthen that skill. Barrios responds by inviting him to present at an upcoming Maritime Area Security Team meeting. Abad then shifts the discussion to land-based enforcement, asking whether county or municipal marinas can proactively check slip holders for required permits, insurance, and licensing to curb illegal charters. He describes how his own marina used its licensing agreements to remove violators after COVID and wonders whether county facilities can do the same. Lt. Barrios and Captain Ralph Almagro, FWC, explain that most illegal charter activity does not occur in county-run marinas because business operations are generally prohibited there, with limited exceptions like Crandon. Abad presses further, asking whether the county retains the right to verify compliance when they suspect illegal activity. Mike from the County Attorney's Office responds that they can review marina agreements and that the county does have certain options in its proprietary capacity, though state preemption makes the area delicate, and they are willing to advise the task force on what is feasible.
- Simpson asks where charter businesses are legally allowed to operate if county marinas prohibit commercial activity and private wet slips are discouraged, Mike from the County Attorney's Office responds that they will review the regulations and report back. Andy invites task force members to weigh in, and Simpson explains that Marine Operating Permits (MOPs) may govern where commercial activity is allowed, but he stresses that the conversation should also include boat ramps, since anyone with a vehicle decal can launch any vessel without proving legality or training. Andy agrees and notes that the task force is looking for local solutions when statewide reform faces resistance. Ulises Martinez from the State Attorney's Office adds that their office recently partnered with the U.S. Coast Guard to monitor licensing and illegal charters, resulting in recent arrests, and that prosecutors are riding along to better coordinate state and federal enforcement. Simpson then highlights the dangers of bareboat charter agreements, where customers technically "rent" the boat and separately hire an operator who does not need to be a licensed captain, creating major safety risks. Andy notes that this gray area may require legislative attention, and Captain Almagro adds that federal Coast Guard rules classify bareboat charters as recreational unless the vessel is inspected, which contributes to the loophole. Simpson confirms that these rules have long been federal, and the group acknowledges the complexity and urgency of addressing this issue.
- Andy invites Captain Almagro from FWC to explain how new boating laws are communicated internally and to the public. Captain Almagro responds that officers must acknowledge receipt of updates through an internal system and that FWC also conducts trainings for its own staff and for other agencies. Andy then asks whether any of the new laws have created challenges, and Almagro says most changes have been helpful, giving officers more tools such as Lucy's Law for stronger penalties and the Vessel Accountability Bill for proactive enforcement, including the ability to label vessels as nuisances after repeated citations. When Andy asks about the impact of losing safety-check stops under the Boater Freedom Act, Almagro acknowledges it limits proactive enforcement but notes that in Miami-Dade there is usually some other violation that provides probable cause. Andy then asks about the new decal program, and Almagro explains that it will now be issued by the tax collector when a boater attests to having required safety equipment, rather than by officers after an inspection, though the

program has not yet been implemented. Simpson questions why a separate decal is needed if registration already requires attestation, and Andy notes that some boaters mistakenly believe the decal certifies them as safe operators, when it only reflects claimed equipment compliance. The State Attorney's Office asks whether false attestation carries penalties, and Captain Almagro explains that citations still apply if equipment is missing at the time of a stop. Ralph closes by sharing enforcement data, noting that agencies issue about 9,000 boating citations annually in Miami-Dade and that fatalities have dropped significantly from 22 last year to six so far this year, suggesting that increased enforcement or recent legislation may be making a positive impact.

- Andy invites input from North Bay Village marine patrol, and their representative explains that the Boater Freedom Act has significantly reduced their ability to conduct preventive safety checks at boat ramps, since officers can no longer make random stops without probable cause. He notes that ramp details used to prevent unsafe vessels from launching, but those opportunities have largely disappeared, although fishing or diving gear can still justify a resource check that leads to a safety inspection. Andy asks whether a fishing rod alone creates probable cause, and the officer confirms that it does. Simpson then asks whether North Bay Village has experienced the same surge in illegal commercial activity seen elsewhere, and the representative explains that during COVID, illegal charters and unsafe operations were rampant, but activity has declined as stimulus money dried up. He adds that many boats in local marinas are now behind on payments, and marina owners struggle to remove them due to lengthy processes, illustrating how the post-COVID downturn has shifted the nature of the challenges they face on the water.
- Andy invites final comments, and Taylor White suggests a creative workaround to the Boater Freedom Act by requiring boaters to consent to random safety checks as a condition of using county ramps or obtaining a decal, which could restore some preventive enforcement authority on land. Andy praises the idea and then asks FWC and law enforcement representatives what additional gaps the task force could help address. Captain Almagro says they will think about it but emphasizes that manpower remains the biggest need and that dedicated units for liveries, BUIs, or vessel theft would greatly improve effectiveness. Taylor then asks about the Fish and Wildlife Foundation as a potential funding source, but Ralph explains he is not involved with that nonprofit. Andy circles back to the consent-to-inspection idea and asks whether it could face legal challenges, and Ruben from the State Attorney's Office says it depends on the terms of the civil agreements for ramp or marina use and would require coordination with the County Attorney's Office. Nick then asks whether there is any precedent for county-only boating regulations enforceable on the water, and Andy suggests that counties already impose local rules in other contexts, such as beaches, while enforcement for slip requirements could occur through contract conditions rather than police action. Nick continues exploring how far county authority could extend, and Simpson asks who would challenge such rules. Christian Fernandez from the County Attorney's Office, explains that if a county ordinance conflicts with state law, the state or members of the public could sue, and that penalties exist for local governments that regulate in areas preempted by the state, underscoring the need for caution when crafting county-level boating requirements.

6. LEGISLATIVE PRIORITIES TO IMPROVE BOATER SAFETY

Boater Safety and Bay Education Task Force Chairman, Andy Fernandez

- Andy transitions the meeting toward identifying future legislative priorities and notes that although it may be difficult to influence the upcoming session due to its early start, the task force can still begin shaping long-term goals at both the state and local levels. He emphasizes the value of having representatives from the State Attorney's Office present, since they are central to enforcing and prosecuting boating-related offenses. Andy then asks Ruben to help guide the task force by identifying areas where legislative changes or new priorities would meaningfully support prosecutors and improve safety outcomes, framing this as an opportunity to determine what reforms would have the greatest impact moving forward.
- Ruben thanks the task force for including the State Attorney's Office and explains that boating laws have not kept pace with the explosive growth in population, vessel numbers, and horsepower, which has contributed to rising fatalities and more complex cases for prosecutors. He notes that older laws from the 1960s and 70s were written for a very different boating environment, and the dramatic shift in vessel size and power requires modernized legislation. Ruben emphasizes the importance of close collaboration with law enforcement, including maintaining 24/7 availability to help officers establish probable cause under the new standards, which he views not just as a challenge but as an opportunity to improve training. He also raises the idea of tying boating offenses to driver's license consequences, as some states do, arguing that stronger penalties could help shift the culture around drinking and boating in the same way attitudes toward drunk driving changed over the past few decades. He stresses that meaningful change will require both enforcement and cultural education, potentially through partnerships with groups like Mothers Against Drunk Driving, and that the task force can play a key role in shaping the legislative reforms needed to address today's realities on the water.
- Andy asks Ruben how a proposal to link boating offenses to driver's license consequences could realistically be implemented, and Ruben explains that it would be a significant undertaking requiring legislative approval from Tallahassee, since the state would need to formally tie boating privileges to driving privileges. He says his office is researching how other states handle this and believes it is challenging but achievable. Andy then asks whether such a system would also extend implied-consent rules to BUIs, allowing driver's license suspensions for refusals, and Ruben agrees that this would be a logical and impactful step, noting that Lucy's Law has already begun aligning boating laws with driving laws.
- Andy turns to law enforcement and asks whether officers already collect driver's license information during boating citations. Captain Almagro explains that officers do record a person's driver's license information during boating citations, which prompts him to ask Ruben what the minimum threshold would be for suspending someone's right to operate on state waters, similar to a stay-away order. Ruben responds that current law does not provide a clear mechanism for restricting someone's boating privileges, since there is no centralized system equivalent to a driving record. Ralph notes that FWC's system does track prior water-related citations, though Miami-Dade's paper tickets do not yet appear in that database. Andy points out that if officers are already collecting driver's license information, implementing a system that ties boating violations to driving privileges may not be as difficult as it seems. Captain Almagro then asks whether repeated violations could be addressed through court-ordered restrictions, but Ruben explains that existing law likely does not allow for such penalties and that stay-away orders may be too vague to enforce without further legal review. Captain Almagro mentions that Monroe County appears to use a stay-away model for certain violations, and Ruben suggests that this

could be worth studying as a potential template, though it would require careful analysis of preemption and constitutional limits.

- The conversation then shifts to broader reforms. Ruben argues that mandatory training or certification for operating powerful vessels is a major gap in current law, noting that anyone can legally operate a large, high-horsepower boat with no experience. Andy agrees and describes how difficult it was to advance education requirements in Tallahassee during the last session, emphasizing that future efforts will require a unified coalition of law enforcement, prosecutors, and the marine industry. Ruben supports this, noting that safer waterways benefit everyone and that cultural change around drinking alcohol and boating will require both enforcement and education, similar to the evolution of attitudes toward drunk driving. Andy then asks whether local penalties could include mandatory retraining or course retakes, and Ruben says this may be possible at the county level, though it would require legal review. Captain Almagro asks whether prosecutors would automatically know if someone had multiple citations within a year, and Ruben explains that many boating citations are processed like traffic tickets and do not automatically reach the State Attorney's Office, highlighting the need for closer coordination to identify repeat offenders.
- Andy asks whether any additional guidance or suggestions should be considered, noting that State Attorney Katherine Fernandez Rundle wants to build on recent momentum and strengthen legislative proposals. Ruben responds that one major priority should be elevating certain vessel-related violations that result in death to felony-level offenses, since current law still treats some fatal incidents as careless operation. Andy agrees and recalls that an early version of Lucy's Law attempted to make careless-with-death a felony before that provision was removed. He then asks for an update on the idea of creating a specialized boating court to handle the roughly 9,000 annual citations, and Ruben explains that the State Attorney's Office is still researching models like Monroe County's, since most boating citations are processed like traffic tickets and do not involve prosecutors. Nick Estrella then asks whether county-level reforms could be enforced by local law enforcement and prosecuted by the State Attorney's Office, and Ruben says it depends on how the laws are drafted and whether they avoid state preemption. Andy emphasizes that the task force will need guidance from county attorneys to avoid pursuing ideas that cannot legally stand. Nick argues that the task force should focus first on what can be accomplished locally before tackling the more difficult state-level changes, and Andy agrees, adding that a specialized court could improve consistency and awareness among judges handling boating cases. Simpson notes that unified ticketing software would strengthen data collection and support such a court, and Andy adds that improved messaging from the county would reinforce the seriousness of boating safety. Simpson closes by stressing that awareness and cultural change are just as important as enforcement, and that small, consistent efforts can shift behavior over time.
- Nancy Jackson, Miami-Dade County DERM, updates the task force on the long-awaited e-citation system, explaining that the county has resolved earlier delays with the LexisNexis platform and is now moving forward with its upgraded Ethos system, which will integrate with FWC's database despite being a different platform. She notes that Miami Beach Marine Patrol is already using the same system and will be sharing lessons learned. Nancy reports that data-migration discussions with FWC are underway and that the county expects e-citations to be operational by April 2026, with a separate crash-reporting module to follow shortly after. She suggests inviting the vendor to demonstrate the system at a future meeting and acknowledges that persistent pressure from law enforcement and advocates helped accelerate progress.

- Andy turns the conversation back to Ruben and Ulysses, from the State Attorney’s Office, noting that many of the barriers at the state level stem from the long-standing disconnect between motor-vehicle laws and boating laws. He raises the idea of increasing penalty fees, since current fines are too low to deter owners of high-end vessels, and asks whether the State Attorney’s Office has considered this. Ruben explains that their focus is usually on the most serious cases, but the broader issue is that boating enforcement spans multiple jurisdictions — federal, state, county, and municipal — each with different authority depending on geography and subject matter. Taylor reinforces this point, saying the regulatory landscape is confusing and that the task force needs a clearer map of who controls what before crafting holistic solutions. Andy agrees, noting that the complexity is part of why boating safety reform has been so difficult.
- Nick cautions the group to stay grounded in what the county can accomplish now, rather than getting overwhelmed by state-level obstacles. He argues that the task force should first identify county-specific actions that are achievable and impactful, then pursue state reforms as a longer-term effort. Andy agrees, though he notes that some needs, like funding, equipment, and staffing, inevitably require Tallahassee’s involvement. He emphasizes that the task force should separate “aspirational” state priorities from practical local ones, such as requiring proof of a boater-safety ID to rent a county slip, exploring a specialized boating court, implementing stay-away orders modeled after Monroe County, and improving data integration through the new e-ticketing system. Ruben adds that Miami-Dade can also lead on cultural change through education and awareness campaigns, arguing that shifting public attitudes — much like past campaigns against drunk driving — could be one of the most powerful tools the county has. Andy agrees, saying Miami-Dade should embrace messaging and public outreach, from airport signage to countywide campaigns, to build a true safe-boating culture.
- The discussion centered on strategies to address illegal boat charters at the local level. Andy emphasized the importance of keeping this issue a priority for the task force, asking what actions could be taken. Simpson highlighted that while federal regulations allow bareboat contracts, enforcement is challenging and resource-intensive. He stressed the need for better focus and coordination among agencies, noting that current efforts often feel misaligned. Simpson suggested increasing awareness through creative public campaigns, such as billboards and marina signage, and engaging community sponsors to promote boating safety. He also called for collaboration between county departments, State and County Attorney Offices, and municipalities to create a unified approach and avoid duplicating efforts.
- Abad expanded on enforcement strategies, proposing that marina operators, both public and private, play a more active role in monitoring and terminating agreements with violators using license agreements rather than leases, which allow for quicker action. He noted that this approach could reduce the burden on law enforcement. Simpson added that verifying business tax receipts (BTRs) and ensuring proper compliance would help curb illegal operations. The group agreed on the need for a permanent task force, contract reviews for termination clauses, and stronger coordination among boating clubs and organizations to amplify their efforts. The County Attorney’s Office committed to providing details on marina contracts and termination provisions at a future meeting.
- The conversation then shifted to understanding preemption and its role in local legislation. Nick asked how preemption is determined, who establishes it, and whether the county can ever choose to pass laws that might conflict with state authority for the sake of public safety. He suggested that sometimes counties might act despite preemption, allowing challenges later, if it means saving lives during that period.

- Christian from County Attorney’s Office explained that preemption in Florida law is complex and can be express, implied, or field-based, depending on statutes and the scope of state regulation. The County Attorney’s Office advises the Mayor and Board of County Commissioners, reviewing proposed ordinances for legal sufficiency and determining if they are preempted by state law. While they provide legal opinions and sign off on items, they do not make policy decisions. The final authority rests with the Board and Mayor. However, they noted they have never encountered a case where legislation proceeded without their sign-off. Andy confirmed that any recommendation from the task force would go through the County Attorney’s review before reaching a vote. The County Attorney agreed to look further into the process and provide more clarity at a future meeting.

7. REASONABLE OPPORTUNITY TO BE HEARD:

- **Dave Doebler – Biscayne Bay Marine Health Coalition** – The speaker stressed collaboration as key to a healthy, resilient Biscayne Bay, noting environmental protection benefits boaters and public safety. He urged leveraging partnerships, bringing issues to the Biscayne Bay Watershed Management Board, and joining the upcoming Biscayne Bay Marine Health Summit. Two concerns were raised: delays in electronic ticketing and lack of oversight for commercial operators. Interim solutions like FWC’s system or Miami Beach’s approach were suggested, along with a county-wide licensing framework to improve safety and accountability. Miami Beach’s successful decal and structured application system were highlighted as models. The group discussed enforcement, correlating licenses with marina capacity, and eliminating unsafe practices like unlicensed jet ski rentals. Consensus: a licensing framework would greatly enhance order and safety on Biscayne Bay.
- **Edward Sanderson** - Edward, a lifelong boater, prioritized increasing law enforcement on Biscayne Bay, especially on weekends, arguing that 90% of resources should go to enforcement for safety and environmental protection. He suggested expanding legal charter opportunities at county and private marinas, improving boater education through grassroots programs, and creating a certification program for charter captains similar to the Keys’ Blue Star initiative. Certified operators could receive incentives and help report issues. Edward concluded by thanking the group and emphasizing collaboration for a safer, more sustainable bay.
- **Jacqueline Bonilla, Urban Paradise Guild** - highlighted the organization’s commitment to restoring Biscayne Bay and ensuring safety for people and wildlife. She flagged high-risk areas like the Venetian and Julia Tuttle basins, citing inconsistent speed limits and unclear regulations. Jacqueline called for a vessel traffic study, better speed markers, and clearer sign placement policies. She noted enforcement gaps and urged stronger penalties, county-wide coordination, and faster adoption of electronic ticketing especially during manatee season. Miami Beach’s progress with licensing was praised, but broader action and staffing are needed. She recommended using FWC’s system as an interim fix and stressed collaboration, education, and enforcement to prevent tragedies, noting 22 lives lost this year.
- **Fico Fernandez** - Fico closed with a broader perspective, stressing that boating is a privilege, not an inalienable right, and comes with responsibilities. He urged shifting public perception away from glamorizing boating as carefree fun and turning discussion into action through collaboration and enforcement. Key recommendations included closing loopholes in charter agreements, creating dedicated courts for boating violations, and empowering agencies to enforce rules aggressively. He suggested the county may

have legal standing to challenge operators exploiting loopholes. His core message: preserve boating for rule-followers and push systemic changes to protect Biscayne Bay.

For more information and updates on the Boater Safety and Biscayne Bay Education Task Force, visit: www.miamidade.gov/biscaynebay