

RESOLUTION NO. 2014 - _____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, URGING THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION TO ADOPT AN EMERGENCY RULE ESTABLISHING A VESSEL EXCLUSION ZONE WITHIN THE MASHTA FLAT AND TO COMMENCE FORMAL RULEMAKING RELATED TO THE SAME; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mashta Flat is a multi-acre sandbar in the shallow waters of Biscayne Bay located off the Village of Key Biscayne (the “Village”), which is often frequented by boaters as a party destination on the weekends and holidays; and

WHEREAS, over the last couple of years, there has been 3 deaths, two life changing injuries, 15 reported boating accidents totally over \$200,000 in damage, and 156 citations at the Mashta Flat; and

WHEREAS, such recent accident reports and uniform boating citations have clearly demonstrated that there is a significant threat to boating safety and the safety of the public at the Mashta Flat; and

WHEREAS, the Florida Fish and Wildlife Conservation Commission (the “FWC”) has the authority to establish a vessel exclusion zone to protect the safety of boaters and the public in accordance with Section 327.46, Florida Statutes; and

WHEREAS, the Village Council urges the FWC to take immediate action to prevent future accidents and injuries from occurring at the Mashta Flat by: (1) adopting an emergency rule establishing a temporary vessel exclusion zone; and (2) commencing formal rulemaking to establish a permanent vessel exclusion zone; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. **Vessel Exclusion Zone.** The Village Council hereby urges the FWC to: (1) adopt an emergency rule establishing a temporary vessel exclusion zone within the Mashta Flat; and (2) commence formal rulemaking to establish a permanent vessel exclusion zone within the Mashta Flat.

Section 3. **Transmittal.** The Village Clerk is hereby authorized to transmit this Resolution to the FWC.

Section 4. **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2014.

FRANK CAPLAN, MAYOR

ATTEST:

CONCHITA H. ALVAREZ, MMC
VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

VILLAGE ATTORNEY