



ALEX J. FERNANDEZ  
COMMISSIONER

MEMORANDUM

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**To:** Honorable Mayor and Members of the Miami Beach City Commission      **Date:** September 27, 2022

**From:** Alex J. Fernandez, Commissioner      **Subject:** **INFORMATIONAL ITEM TO R7B:**  
*Alex J. Fernandez*      **FISCAL YEAR 2023 FUNDING REQUEST**

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With the approval of the final budget for Fiscal Year 2023, I would like to request inclusion of funding for the following items:

- \$50,000 for the Completion of the conditional use permit database by the Planning Department. *Please see attachment 1*
- \$201,000 for the hiring of three (3) code enforcement officers dedicated to business tax receipt enforcement. *Please see attachment 2*
- \$100,000 for the Nautilus Middle School STEAM Lab and music instruments requested by the PTSA. *Please see attachment 3*
- Availability of funding for a mid-year enhancement to the iguana remediation services should it be necessary.
- \$88,000 for the Bicycle Pedestrian Coordinator requested by the Transportation Department.

Thank you.

## MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Public Safety and Neighborhood Quality of Life Committee Members

FROM: Alina T. Hudak, City Manager

DATE: September 21, 2022

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION DIRECTING THE CITY ADMINISTRATION TO COMPLETE A DATABASE OF CONDITIONAL USE PERMITS (CUP) ISSUED BY THE PLANNING BOARD TO MAKE THEM READILY ACCESSIBLE TO THE GENERAL PUBLIC.**

**HISTORY:**

On May 4, 2022, at the request of Commissioner Steven Meiner, the City Commission referred the discussion item (R7U) to the Public Safety, Neighborhoods and Quality of Life Committee (PSNQLC).

**ANALYSIS****BACKGROUND**

Attached is the referral and draft Resolution that was discussed at the May 4, 2022, City Commission meeting. Currently, requests for a CUP are made to the Planning Department. If the CUP is readily available, it can be e-mailed (or copied for pick-up). For older CUP's (primarily those CUP's approved prior to 2016) the file may need to be ordered from remote storage.

**ANALYSIS**

The ability to create an online link for CUP's issued after 2016 is fairly straightforward, as these documents, for the most part, are contained within the Energov permitting platform. The interested party can, in most instances, look up the address that the CUP is attached to in Energov, find the plan case number and click on that number to reach the CUP document. If the customer has trouble locating the CUP, Planning staff is available to assist.

The Administration could develop a more interactive platform for this in Energov, with a link to the city website, but this would take some additional time and coordination with IT, as well as, potentially, the vendor. If direction were given to develop such a platform internally the earliest the Administration could commit to having a draft version ready would be in the fall.

As it pertains to creating an online database for CUP's issued prior to 2016, most of these would need to be ordered from remote storage, individually scanned, and loaded onto the City website. A search of all previously approved CUP's, based upon multiple logs from years past, indicates that there are approximately 800 CUP's that have been issued prior to 2016. Some of these CUP's may be expired or no longer active.

In order to create this database, the City would need to retain temporary staffing, under the supervision of Planning Department staff. The estimated cost for retrieving, scanning and uploading all CUP's approved prior to 2016 would be approximately \$50,000.00. This is based upon an estimated staff time of 2 hours per CUP, at an hourly rate of \$30.50 for temporary staffing. This also considers potential searches of the County Clerk and the current transition to the new file archive company.

Given the number of CUP's approved prior to 2016, in relation to the requests made for the actual documents, the Administration recommends maintaining the current process of retrieving CUP's from remote storage on a request basis. At the time of retrieval, the document could then be loaded into an electronic file, for future ease of retrieval.

If there is a desire to move forward with a \$50,000.00 expenditure to create a database, these funds would need to be identified as part of the current FY 2023 budget process. If the proposal were funded, it is estimated that it would take between 4 and 6 months to complete the task, depending on the availability of temporary staffing.

**CONCLUSION:**

The Administration recommends that the Public Safety, Neighborhoods and Quality of Life Committee discuss the item and provide a recommendation to the City Commission.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

# ATTACHMENT 2



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miami-beachfl.gov](http://www.miami-beachfl.gov)

## COMMITTEE MEMORANDUM

TO: Members of the Public Safety and Neighborhoods Quality of Life Committee

FROM: Alina T. Hudak, City Manager

DATE: September 21, 2022

SUBJECT: **DISCUSSION REGARDING RECOMMENDATIONS BY RESIDENTS CONCERNING THE BUSINESS TAX RECEIPT CRITERIA.**

### **BACKGROUND/HISTORY**

This item was referred to the Public Safety and Neighborhoods Quality of Life Committee (PSNQLC) at the April 21, 2021 City Commission meeting by Commissioner Samuelian. Since then, the item has been sponsored by Commissioner Fernandez. The purpose of the referral is to discuss the business tax receipt (BTR) criteria and proposed modifications sent by residents, including:

- (1) Authorize a review of police calls for service history and code enforcement history for any business seeking BTR renewal and require such review for certain specific types such as dance halls, liquor stores, restaurants, convenience stores, and alcohol beverage establishments, in an effort to identify patterns in calls for police service and/or code enforcement that may point to possible public safety concerns associated with the business seeking BTR renewal.
- (2) When such patterns stated in paragraph 1 are identified, require the City Manager to further vet the business seeking BTR renewal. Such vetting may include a review of business practices and a site visit during hours of operation but must at a minimum include consultation with the Director of Code Enforcement and the Chief of Police prior to the renewal of the BTR.
- (3) Upon such further vetting stated in paragraph 2, allow the City Manager to: (a) deny the issuance of a BTR or (b) issue conditions that must be met for the renewal of the BTR.

An update was provided at the September 20, 2021 meeting of the Committee. The update outlined that several meetings had taken place with a working group that included staff from the City Attorney's Office, Code Compliance Department, Police Department, and Finance Department. The working group reviewed the various sections of the City Code pertaining to BTR's including: application procedures (Section 102-371); grounds for denial (Section 102-372); grounds for suspension, revocation, and denial (Section 102-381); notice of violation, emergency action (Section 102-383); hearing procedures, enforcement of orders (Section 102-385). After close review of the applicable City Code sections, the working group initially felt that there is existing language in the current City Code that can be adequately used to address problematic operators.

## **ANALYSIS**

Over many months, the working group has continued to meet and has been expanded to include staff from the Building and Fire departments. These meetings help the team collaborate in a more proactive approach and exchange information regarding problematic operators so that suitable evidence can be collected to effectively enforce the applicable provisions of the City Code. Since the last update, the team has focused its collective efforts on (1) analyzing businesses that are driving the most police calls for service, (2) further reviewing the City Code for potential changes to incentivize better behavior by problematic businesses, and (3) evaluating the potential impact of additional resources such as dedicated code enforcement positions.

### **Businesses Driving Police Calls for Service**

At the March 2021 FERC meeting, the team presented a list showing the top 24 businesses that drove police calls for service during calendar year 2021. For each business on the list, the team methodically checked that the BTR status was active, the Resort Tax reporting status if applicable, the number of code compliance calls for service, any building department violations, any moneys owed to the City, and whether or not the businesses currently have off-duty police. At the next update of this item to FERC, the team anticipates completing the analysis of the next tier of businesses (25 through 50) and sharing those results.

### **Incentivizing Better Behavior by Problematic Businesses**

Following its initial review, the cross-departmental team now recommends three changes to the City Code. The first is to increase the fines in Section 102-377. Currently, the fine is \$1,000 for first offense and \$500 thereafter. The proposed fine would remain \$1,000 for first offense, but then increase by an additional \$1,000 for each subsequent offense. The team also supports a period of minimum closure or a three-strikes and out rule if an operator has multiple violations in a designated period of time.

The second proposed change to the City Code would be to add specific language in Section 102-373 to allow the City's regulatory departments access to public areas of businesses with a BTR. Currently, Police and Fire have no issues entering businesses, but on occasion, it can be problematic for Code and Building to gain access since the City Code is not as clear as it could be.

The third proposed change is to amend Section 102-371 to codify a current practice which is to have any operator that has not renewed their BTR in over a year to reapply as a new business. This practice incentivizes operators to renew their BTR timely and helps identify any BTR's that may have been transferred to a new operator that may be operating outside their approved conditional use, which has been a problem in the past.

### **Dedicated Code Officers**

The cross-departmental team also recommends the addition of three code officer positions that would be dedicated to BTR and Resort Tax enforcement. This model was used effectively in the past, prior to staff reductions during the Great Recession. Dedicated code officers would be able to react faster to potential situations, be more proactive compared to the current reactive model, develop more familiarity with problematic businesses, and improve coordination with other regulatory departments.

## **CONCLUSION**

The cross departmental BTR team will continue to analyze the next tier of businesses with the highest calls for police service. If the Committee agrees with the recommended changes to the City Code, they would be brought to the City Commission for two readings. The team also recommends the addition of three new code officer positions that could be considered as part of a mid-year budget amendment or as an enhancement in the FY 2024 budget cycle.



**From:** Nautilus PTSA <nautilusptsa@gmail.com>  
**Sent:** Tuesday, September 27, 2022 12:57 PM  
**To:** Fernandez, Alex  
**Subject:** Miami Beach Nautilus Middle School - Ask For STEAM Lab and Musical Instruments

[ THIS MESSAGE COMES FROM AN EXTERNAL EMAIL - USE CAUTION WHEN REPLYING AND OPENING LINKS OR ATTACHMENTS ]

Commissioner Fernandez,

Once again, thank you for taking the time to meet with me this morning to discuss our needs at Miami Beach Nautilus Middle School, and expressing that you'd support our initiative.

I am aware that the timing of my ask is late in the game given the budget approval deadline. However, this was entirely due to the fact that I was just made aware that a \$250K/school ask was made on behalf of Miami Beach Senior High School and Fienberg-Fisher K-8, predicated on the fact that Nautilus has a wonderful STEAM Lab and that students leaving Nautilus should be able to continue with a STEAM program once they leave middle school. Unfortunately, this just isn't accurate. While our Innovation Center is now top notch, we do not have a functional STEAM Lab - just some random pieces of equipment.

In an effort to help maintain our A-school status and to help ensure that students within our MB feeder pattern elementary schools choose MBNMS as their middle school, we are requesting the following:

- \$100,000 to be split amongst the following 2 initiatives:
  - **Completely outfitting our STEAM Lab** to make it a flexible, centralized and greatly expanded center of learning that can accommodate multiple classes at once, allowing for collaboration between classes and encouraging student creativity.
    - Our current lab merely consists of furniture, a few functioning 3-D printers and a poster maker. In no way do these current materials create a legitimate STEAM Lab. Although nearly \$200K was spent by the PTSA (non-city funds) to update both our Innovation/Media Center/Library and the STEAM Lab, the lion's share went toward the Innovation Center.
  - **New musical instruments**
    - Our current band/orchestra program has 132 students, with only 15 of those students being able to afford rental fees. The remaining students are using old instruments that the school had, a huge amount of which are being held together by tape because they are unfixable due to the low quality of the instruments.

Please understand that I'm in full support of MBSHS and Fienberg-Fisher receiving their requested funding, but want to make sure that Miami Beach Nautilus Middle School also receives the funding that we need to improve the overall STEAM program for our students.

All the best,  
Allison