



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMITTEE MEMORANDUM

TO: Finance and Economic Resiliency Committee

FROM: Alina T. Hudak, City Manager

DATE: May 24, 2023

SUBJECT: Discuss and review of the application process for the licensing of boat operators

### **BACKGROUND**

This item was initially heard at the March 30, 2022 Finance and Economic Resiliency Committee meeting.

The City has experienced a rise in the number of licensed charter boat operators operating in our waterways during the last several fiscal years.

| <b>Fiscal Year</b> | <b># of Charter BTR's</b> | <b># of Vessels</b> |
|--------------------|---------------------------|---------------------|
| 2019               | 16                        | 62                  |
| 2020               | 14                        | 61                  |
| 2021               | 52                        | 125                 |
| 2022               | 76                        | 151                 |
| 2023               | 80                        | 155                 |

The Committee received an update of active boat operators and violations issued to unlicensed vessels at their July 29, 2022, October 31, 2022, and January 27, 2023 meetings. An update on recent Facilities and Fleet Management and Marina regulations was also given at these meetings.

### **ANALYSIS**

Docking regulations have been reviewed internally by Administration with input from members of the Finance Department, Code Compliance, Facilities and Fleet Management, and the City Attorney's Office.

In response to the interdepartmental review, the Facilities and Fleet Management Department and the Miami Beach Marina now are part of the BTR review process for all Charter Boat BTR issuance:

- No new BTR applications for permanent slips will be approved unless a Marina slip space for docking becomes available.

- For charter boats without a permanent docking slip, a Landing Slip Agreement must be first obtained, from the Marina, before their boat may drop off or pick up passengers.

Before obtaining a BTR for a Charter Boat business, the marine applicant must now first obtain:

- Certificate of Use: Planning and Zoning review of docking locations for loading/unloading.
- Risk Management Division: comprehensive insurance review of applicant's insurance to protect the assets of the City.
- BTR: review of compliance with City Code, County Ordinances and State Statutes.
- Facilities and Fleet Management Department: review of docking space slip availability at the Miami Beach Marina.
- Marine and Waterfront Protection Authority: advisory review of applications.

Compared to our January 27, 2023 update, today there is one less Charter BTR and vessel operating at the Miami Beach Marina.

### **Recent Events**

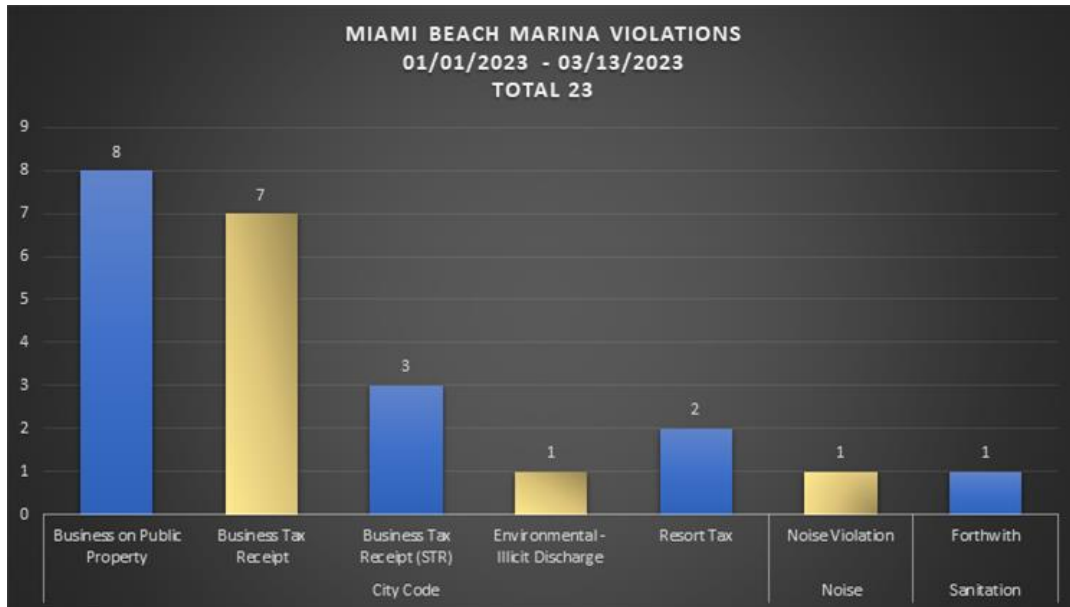
The City of Miami Beach Business Tax Section has been in regular contact with their City of Miami counterparts, to discuss common topics and emerging issues, including marina-related businesses.

The City of Miami acknowledges that they have similar issues with bad boat operators on their waterways. Their main commercial district Marinas are also at full capacity like the City of Miami Beach.

Like Miami Beach, boat operators violating the City code on the Miami side of operations are issued violations by Code Compliance. The City of Miami addresses operator issues on the waterways via their Police Marine Patrol, along with Coast Guard assistance.

Our Miami Beach Code Enforcement Department has been aggressively tackling marina disturbances. During the timeframe of January 1, 2021 through March 13, 2023, Code Compliance has issued 602 Notice of Violations (NOV) at the Miami Beach Marina.

In 2021, Code Compliance issued 537 NOV and 42 NOV in calendar year 2022. The Code Compliance Department has issued an additional 23 violations to marina operators in 2023.



Additionally, at the February 22, 2023 City Commission meeting, changes were made to the City Code that progressively increase fines, as well as, prohibit businesses from operating for extended periods of time for Business Tax code violations. These changes will help deter negative behavior and assist the City with dealing with Charter Boat operators that refuse to follow the rules.

## **CONCLUSION**

The recently imposed regulations by the City and the Miami Beach Marina, together with the recent Business Tax Code amendments, will be effective in deterring and curtailing the operation of businesses without first obtaining the required business tax receipt. Illegal charter operations should be curtailed because of these regulations and legislation.

The tightened City regulations, combined with proactive regular Code Compliance enforcement and augmented Police Department Marine patrols, has enabled the City to substantially curtail this business activity. The joint efforts of Finance, Facilities and Fleet Management, Code, and Police, along with the new Marina regulations and regular Coast Guard enforcement, have helped in curtailing reckless behavior on our waterways.