

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 21, ENTITLED "MARINE AND WATERFRONT PROTECTION AUTHORITY," BY AMENDING SECTION 2-190.49 THEREOF, ENTITLED "POWERS AND DUTIES," BY CREATING SUBSECTION (4) THEREOF, TO AUTHORIZE THE MARINE AND WATERFRONT PROTECTION AUTHORITY TO MAKE RECOMMENDATIONS TO THE CITY MANAGER AND THE CITY COMMISSION REGARDING POTENTIAL SUSPENSION OR REVOCATION OF BUSINESS TAX RECEIPTS FOR COMMERCIAL CHARTER OPERATORS THAT ENGAGE IN NUISANCE OR HABITUAL UNLAWFUL ACTIVITIES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach has established a Marine and Waterfront Protection Authority ("MWPA") to make periodic reports and advisory non-binding recommendations to the City Manager or the City Commission for the improvement of standards for the City in marine-related matters to promote and maintain a safe clean and healthy marine environment to be enjoyed by the City's residents and visitors; and

**WHEREAS**, the MWPA also is charged with making recommendations regarding any ongoing and future waterside activities including the permitting and policing of water-related and beach concessions, water-oriented and marine-related special events, and marine and waterfront environmental issues; and

**WHEREAS**, members of the MWPA are often most aware of commercial charter operators engaging in conduct that is deleterious to the health, safety, and well-being of residents and visitors to our City; and

**WHEREAS**, the Mayor and City Commission desire to amend Sec. 2-190.49 ("Powers and duties"), which sets forth the duties of the MWPA, to add new subsection (4), which authorizes the MWPA to make recommendations to the City Manager and the City Commission regarding potential suspension or revocation of business tax receipts for commercial charter operators that engage in nuisance or habitual unlawful activities.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAM BEACH, FLORIDA:**

**SECTION 1.** That Section 2-190.49 of Division 21, Article III, of Chapter 2 of the City Code, entitled " Powers and duties," is hereby amended to state as follows:

**Chapter 2 – ADMINISTRATION**

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**ARTICLE III. - AGENCIES, BOARDS AND COMMITTEES**

\* \* \*

**DIVISION 21. - MARINE AND WATERFRONT PROTECTION AUTHORITY**

\* \* \*

**Sec. 2-190.49. - Powers and duties.**

The powers and duties of the authority are to:

- (1) Make periodic reports and advisory non-binding recommendations to the city manager or the city commission for the improvement of standards for the city in marine-related matters to promote and maintain a safe clean and healthy marine environment to be enjoyed by the city's residents and visitors. This shall include working in cooperation with federal, state, and local agencies interested in marine standards and clean and clear waterways; and to publicizing the importance of adequate standards; and holding and conducting public hearings, discussions, forums and institutes to arrange programs for the presentation of information by experts in related fields.
- (2) Foster and maintain a clean, litter-free marine environment by exploring the availability of enforcement techniques, new ordinances, and the active promotion of voluntary cleanups.
- (3) Make recommendations regarding any ongoing and future waterside activities including the permitting and policing of water-related and beach concessions, water-oriented and marine-related special events, and marine and waterfront environmental issues.
- (4) Make recommendations to the city manager and the city commission regarding potential suspension or revocation of business tax receipts for commercial charter operators that engage in nuisance or habitual unlawful activities. The City Manager shall respond to any recommendation made pursuant to this subsection within 30 days.
- ~~(4)~~ (5) The investigation, development, and carrying out of plans for the preservation and renourishment of the beaches in the city, including, but not limited to, erosion control.
- ~~(5)~~ (6) To foster and maintain a clean, safe, and litter-free beach environment by exploring the availability of enforcement techniques, programs, or new legislation to accomplish these goals.
- ~~(6)~~ (7) The encouragement of a desire in the citizenry and visitors to the city to maintain and preserve the city's beaches.

(7) (8) The recommendation of plans to the city manager, city commission, as well as to other local, state, and federal governmental agencies, for the preservation and nourishment of the city's beaches.

(8) (9) The authority's power of review and recommendation set forth hereinabove shall apply as well to such matters concerning maintenance of city boardwalks, beachwalks, cutwalk and baywalks.

**SECTION 2. REPEALER**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 3. SEVERABILITY**

If any section, subsection, clause, or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 4. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**

\_\_\_\_\_  
Steven Meiner, Mayor

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Rafael E. Granado, City Clerk

(Sponsored by Commissioner David Suarez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney  
Date 3-5-24  
PR