

COMMISSION MEMORANDUM

TO: Mayor Steven Meiner and Members of the City Commission

FROM: Rafael A. Paz, City Attorney



FIRST READING

DATE: March 13, 2024

SUBJECT: 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 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.

At the request of the sponsor, Commissioner David Suarez, this proposed ordinance is presented to the Mayor and City Commission for consideration on first reading.

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.

The MWPA is also 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.

Members of the MWPA are, therefore, 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.

On February 13, 2024, the MWPA recommended establishing a structured approval process granting them the authority to evaluate and approve initial and renewal BTR applications for charter boats based upon a review of any violations or complaints against charter operations. See LTC 052-2024 (attached).

Based upon Florida's statutory scheme relating to BTRs, MWPA review and approval of initial BTR applications is not contemplated by the State of Florida's BTR process set forth in Chapter 205 of the Florida Statutes. However, review by the MWPA of existing BTRs and recommendations to the City Manager by the MWPA based upon the conduct of existing BTR holders would be allowed under Florida's statutory process.

The proposed ordinance amends 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 regarding potential suspension or revocation of business tax receipts for commercial charter operators that engage in nuisance or habitual unlawful activities.

RAP/RFR/mmm

MIAMI BEACH

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

NO. LTC # **052-2024**

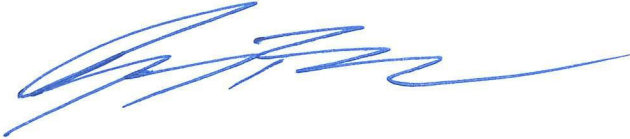
LETTER TO COMMISSION

TO: Honorable Mayor Steven Meiner Members of the City Commission

FROM: Rafael E. Granado, City Clerk

REGIS BARBOU

DATE: February 13, 2024



SUBJECT: Marine and Waterfront Protection Authority (MWPA) Motions

The purpose of this Letter to Commission is to provide the memo from the Marine and Waterfront Protection Authority (MWPA) Board meeting that occurred on February 13, 2024.

For

MIAMI BEACH

MARINE AND WATERFRONT PROTECTION AUTHORITY BOARD

TO: Honorable Mayor Steven Meiner and Members of the City Commission
FROM: Marine and Waterfront Protection Authority Board
DATE: February 13, 2024
SUBJECT: **Enhancing Charter Boat BTR Approval and Renewal Procedures**

The purpose of this memo is to advise the Mayor and Members of the City Commission that the Marine Waterfront Protection Authority (MWPA) has identified critical gaps in the current Business Tax Receipt (BTR) approval and renewal process for charter boats within our jurisdiction. Our advisory role lacks the authority to deny BTR applications, even for operators with histories of citations, complaints, or violations. This limitation hampers our commitment to upholding maritime conduct and environmental stewardship standards.

In response, the MWPA unanimously recommends establishing a structured approval process granting us the authority to evaluate and approve initial BTR applications for charter boats. We also propose implementing a renewal process that mandates a review of any violations or complaints against charter operations. This approach ensures that renewals are contingent on a satisfactory compliance record, with the MWPA having the final say on renewals for those with significant non-compliance issues.

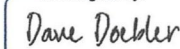
Additionally, we suggest requiring charter boats to report any operational changes during their BTR renewal application, promoting transparency and adherence to regulations.

We request that the City Commission direct the City administration to assess these recommendations and develop a framework that enables the MWPA to effectively oversee charter boat operations. By formalizing these procedures, we aim to better safeguard our waterways and ensure that charter boats meet our city's esteemed standards.

The MWPA sincerely thanks you for your consideration.

Respectfully,

DocuSigned by:



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Dave Doebler

MWPA Vice Chair

2/13/2024 | 12:48 PM PST