

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

