

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: June 26, 2024 First Reading

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 102 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "TAXATION," BY AMENDING ARTICLE IV, ENTITLED "LOCAL BUSINESS TAX," BY AMENDING SECTION 102-368 THEREOF, ENTITLED "POSTING OF BUSINESS TAX RECEIPT AND DECAL," BY REQUIRING THAT SPECIFIED VESSEL-RELATED BUSINESSES PROMINENTLY DISPLAY THEIR CITY-ISSUED BUSINESS TAX RECEIPT NUMBER IN ALL ADVERTISING, SOLICITATION AND MARKETING MATERIALS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **ANALYSIS**

The proposed Ordinance, sponsored by Commissioner David Suarez, is submitted for first reading at the May 15, 2024 City Commission meeting.

The City has seen an increasingly large number of vessels (including charter boats, rental boats, and jet skis) operating within its jurisdictional limits, and the sizeable number of individuals boating has posed various challenges for the City. The City has also received numerous complaints of commercial charter vessels, rental vessels, and other vessels illegally using both public and private property for the embarkation and/or disembarkation of passengers, docking, and the loading or unloading of food, goods, equipment fuel and supplies, in violation of the City Code.

Presently, the City Code requires commercial vessel businesses operating on, or from, any real property in the City to obtain a business tax receipt ("BTR") prior to commencing their business operations. However, the City has identified numerous online advertisements, marketing materials and solicitations pertaining to unauthorized commercial vessel activity (i.e., vessel charters and rentals) taking place in the City (from both public and private property), wherein such unpermitted and unregulated activity causes numerous public safety, noise, and sanitation issues, and is patently illegal without the person or business entity having obtained a BTR from the City.

The proposed Ordinance would require every person and entity conducting business in the City to prominently display their current City-issued BTR number (and the exact location of vessel embarkations and disembarkations) on all advertisements, solicitations and marketing materials relating to any commercial vessel activity occurring in the City.

The failure to fully comply with the proposed Ordinance would result in fines and penalties that range from \$1,000 for a first offense (and the business being prohibited from operating until it obtains a valid BTR), \$3,500 for a second offense within the preceding 12 months (and the business being prohibited from operating for 10 days or until it obtains a valid BTR, whichever is later), and \$5,000 for a 3<sup>rd</sup> offense within the preceding 12 months (and the business being prohibited from operating or applying for any new BTR for a 13-month period).

By adopting the proposed Ordinance, the Mayor and City Commission would provide the Code Compliance Department with a mechanism to more efficiently and effectively identify and issue violations to persons or entities advertising and conducting illegal commercial vessel operations within the City.

### **FISCAL IMPACT STATEMENT**

Administration is requested to be prepared to address the fiscal impact of this proposed measure, if any, at the June 26, 2024 City Commission meeting.

### **Applicable Area**

Citywide

**Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?**

No

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

City Attorney

### **Sponsor(s)**

Commissioner David Suarez

### **Co-sponsor(s)**

Commissioner Joseph Magazine