

MEMORANDUM

Agenda Item No. 11(A)(7)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County
Mayor to provide a report
regarding unlawful activities of
jet ski rental businesses on
Biscayne Bay

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins and Co-Sponsor Commissioner Micky Steinberg.


Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(7)
12-12-23

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO PROVIDE A REPORT
REGARDING UNLAWFUL ACTIVITIES OF JET SKI RENTAL
BUSINESSES ON BISCAYNE BAY

WHEREAS, Biscayne Bay is a fundamental component of the environment and economy of Miami-Dade County; and

WHEREAS, in the past few years, there has been a significant increase in boating activity on Biscayne Bay, and especially an increase in the use of jet skis, also known as personal watercraft; and

WHEREAS, the popularity of jet skis has been accompanied by a proliferation of businesses that rent jet skis; and

WHEREAS, section 327.54 of the Florida Statutes defines a livery as anyone "who advertises and offers a livery vessel for use by another in exchange for any type of consideration when such person does not also provide the lessee or renter with a captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel"; and

WHEREAS, section 327.54 prohibits liveries from renting vessels, such as jet skis, without first being issued a no-cost livery permit by the Florida Fish and Wildlife Conservation Commission, which permit must be renewed annually; and

WHEREAS, section 327.54 imposes various other safety-related regulations on liveries; and

WHEREAS, these rental businesses must comply with federal, state, and local laws, many of which are designed to promote public safety and protect the environment; and

WHEREAS, there have been numerous recent incidents of jet ski rental companies not complying with federal, state, or local law; and

WHEREAS, for example, some jet ski rental companies have been storing jet skis on unauthorized floating platforms on Biscayne Bay; and

WHEREAS, other jet ski rental companies may have been transporting their customers to Biscayne Bay by unlawfully dropping them off on the sides of causeways, islands, and private properties, both residential and commercial, along the waterways; and

WHEREAS, there have also been instances of jet skiers operating their watercraft recklessly; and

WHEREAS, County and municipal law enforcement officers are authorized to enforce state criminal statutes as well as local ordinances; and

WHEREAS, County and municipal code inspectors are authorized to enforce certain state civil statutes as well as local ordinances; and

WHEREAS, increased enforcement of federal, state, and local laws may help stop the unlawful activities of jet ski rental businesses while allowing for law-abiding recreational and commercial activities to continue; and

WHEREAS, this Board therefore wishes to direct the County Mayor or County Mayor's designee to provide a report regarding unlawful activities of jet ski rental businesses on Biscayne Bay,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Directs the County Mayor or County Mayor's designee to provide a written report regarding unlawful activities of jet ski rental businesses on Biscayne Bay. The report shall

address, but not necessarily be limited to: (1) the types of violations of federal, state, and local law that have been taking place over the past five years in connection with jet ski rental businesses on Biscayne Bay, including violations by both businesses and their customers; (2) data regarding those violations, including data on the issuance of citations or the taking of other enforcement action; and (3) specific recommendations for further action to address unlawful activities of jet ski rental businesses. The report shall consider enforcement activity not just by the County, but also by the federal government, the State, and municipalities.

Section 2. The County Mayor or County Mayor’s designee shall provide the report to this Board within 90 days of the effective date of this resolution and place the completed report on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board’s Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins and the Co-Sponsor is Commissioner Micky Steinberg. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

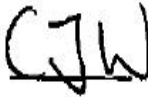
The Chairperson thereupon declared this resolution duly passed and adopted this 12th day of December, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Christopher J. Wahl