

MEMORANDUM

Amended
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 conduct an
enforcement operation regarding
unlawful activities of jet ski
rental businesses on Biscayne
Bay and to provide a report

Resolution No. R-1153-23

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


Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

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Gen Bonzon-Keenan
County Attorney

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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	Amended
Veto	_____		Agenda Item No. 11(A)(7)
Override	_____		12-12-23

RESOLUTION NO. R-1153-23

**RESOLUTION DIRECTING THE COUNTY MAYOR OR
COUNTY MAYOR’S DESIGNEE TO CONDUCT AN
ENFORCEMENT OPERATION REGARDING UNLAWFUL
ACTIVITIES OF JET SKI RENTAL BUSINESSES ON
BISCAYNE BAY AND TO PROVIDE A REPORT**

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 conduct an enforcement operation regarding unlawful activities of jet ski rental businesses on Biscayne Bay and to provide a report,

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 conduct an enforcement operation regarding unlawful activities of jet ski rental businesses on Biscayne Bay. The enforcement operation shall take place over the course of multiple weeks and shall utilize law enforcement officers and code enforcement officers, as appropriate, to enforce provisions of the Florida Statutes and the Code of Miami-Dade County, Florida (the "County Code") that are being violated by jet ski rental businesses operating on Biscayne Bay. The County Mayor or County Mayor's designee shall, within 30 days of the effective date of this resolution, identify a legally available funding source of up to \$10,000.00 for such operation. To the extent that sufficient legally available funding for such operation is not available, the County Mayor or County Mayor's designee shall propose a mid-year budget amendment or seek such other authorization as needed.

Section 2. Upon the conclusion of the enforcement operation, the County Mayor or County Mayor's designee shall prepare a written report summarizing the results of the enforcement operation, including but not limited to the number of uniform boating citations issued under the Florida Statutes, the number of civil citations issued under chapter 8CC of the County Code, and the types of violations for which citations were issued, with reference to the governing statutory or code provision. The report shall also include any other information that the County Mayor or County Mayor's designee deems appropriate. The County Mayor or County Mayor's designee shall provide the report to this Board within 90 days of the conclusion of the enforcement operation 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-Sponsors are Commissioner Kevin Marino Cabrera and Commissioner Micky Steinberg. It was offered by Commissioner **Danielle Cohen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

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

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: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CJW

Christopher J. Wahl