

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE AT ITS OCTOBER 19, 2020 MEETING, TO AUTHORIZE THE CITY ADMINISTRATION TO PROCEED WITH THE CREATION OF THE MIAMI BEACH RESTAURANT REIMBURSEMENT GRANT PROGRAM.

WHEREAS, the COVID-19 pandemic has and continues to threaten the Miami Beach restaurant industry as it has forced many restaurants to either close or switch their operations to focus on pickup or delivery

WHEREAS, at the September 23, 2020 Neighborhood and Quality of Life Meeting, committee members discussed the hardships faced by restaurants due to the COVID-19 pandemic and the associated emergency orders and guidelines; and

WHEREAS, the seating capacity limitations and imposed health and safety guidelines created a greater dependency on restaurant delivery services from third-party delivery services such as Uber Eats, Postmates, DoorDash and GrubHub; and

WHEREAS, third-party delivery services helped compensate for lost revenue when dine-in spaces were ordered closed due to social distancing guidelines; and

WHEREAS, however, commission fees charged to restaurants for delivery services became a burden for the industry, particularly for family establishments and small, local businesses; and

WHEREAS, on average, third-party delivery services charge restaurants between 15 percent and 30 percent in fees as the middleman, essentially erasing any or most profit; and

WHEREAS, even with the recent opening of dining rooms for on-premises consumption, the burden of commission fees charged to restaurants remains, as consumers still increasingly rely on delivery services for a greater share of their meals; and

WHEREAS, at its September 23, 2020 Neighborhood and Quality of Life Committee ("NQLC") meeting, the members discussed hardships that the City of Miami Beach restaurants were facing with third party delivery fees, and directed the City Administration to return to the next Committee meeting with a proposed reimbursement program for City of Miami Beach restaurants to offset expenses related to delivery service fees; and

WHEREAS, at the September 29, 2020 Budget Meeting, in recognition of the need to immediately address the burden that third- party vendor fees have placed on restaurants, the Mayor and City Commission allocated \$60,000, authorizing the City Administration to utilize funds to establish a restaurant reimbursement program to City of Miami Beach restaurants to offset expenses related to delivery service fees; and

WHEREAS, at the October 19, 2020 the NQLC meeting, the City Administration presented before the Committee the creation of the Miami Beach Restaurant Reimbursement Grant Program, recommending the establishment of a restaurant reimbursement program on a first-come, first-qualified, first-serve basis to provide assistance to approximately ten percent of restaurants within the City with a grant of up to \$1,000 per restaurant; and

WHEREAS, the guidelines attached hereto as Exhibit A, and incorporated herein by reference, set forth procedures for the implementation of the Miami Beach Restaurant Reimbursement Grant Program; and

WHEREAS, the NQLC recommended that the City Commission authorize the City Administration to proceed with the creation of the Miami Beach Restaurant Reimbursement Grant Program.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Neighborhood and Quality of Life Committee at its October 19, 2020 meeting, to authorize the City Administration to proceed with the creation of the Miami Beach Restaurant Reimbursement Grant Program.

PASSED and ADOPTED THIS ____ day of _____ 2020.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael E. Granado - 10/21/20
City Attorney Date

Exhibit A

MIAMI BEACH RESTAURANT REIMBURSEMENT GRANT PROGRAM GUIDELINES

I. Purpose and intent

- These guidelines are intended to facilitate the efficient, effective, and consistent implementation of the Miami Beach Restaurant Reimbursement Grant Program.

II. Eligible businesses

- Restaurant located within the City of Miami Beach

III. Ineligible businesses

- Nightclubs, bars (without restaurant), mobile food trucks or carts, restaurants within hotels and home-based businesses
- Restaurants utilizing a Pop-up permit
- Restaurants with outstanding code violation(s)
- Restaurants that are part of a chain/franchise

IV. Requirements

- Applicable City of Miami Beach/Miami-Dade County/State of Florida licenses must be up to date
- Miami Beach Business Tax Receipt must be in paid status (with consideration of the new BTR payment options)
- Applicant must be a business that was or became operational (as evidenced by a City of Miami Beach Certificate of Use or Business Tax Receipt) prior to October 31, 2020.
- Restaurant owner/operator/applicant shall have no outstanding code liens, fines or violations, pending litigation with the City of Miami Beach or any unpaid ad valorem property taxes (if owner of the property).
- Regardless of reimbursement amount being requested (up to \$1,000), only one grant application per business is allowed.
- Grant application must be signed by the president/general manager/majority owner of the business.
- Applicants may not submit multiple applications using different partners, family members or other persons.
- An applicant (including the applicant's spouse, parents or children) may only submit one application for a single restaurant for which the applicant (including his or her spouse, parent or children) holds a "controlling interest." The term "controlling interest" shall mean either (i) the power to direct the management and decisions (both major decisions and day-to-day operational decisions) of any restaurant, whether the restaurant is held through a corporation, partnership, trust or any other type of entity, or (ii) a majority ownership of the outstanding capital stock of any such entity.
- Accordingly, if an applicant (including his or her spouse, parent or children) holds a controlling interest in more than one eligible restaurant, only one of

those restaurants may apply for and receive funding through the Program, even if the restaurant has more than one owner. To be considered, applications must be completed in full, signed and submitted via the designated e-mail/online platform. Applications may not be hand-delivered by the applicant.

- Submit appropriate invoice(s) and proof of payment with back-up documentation acceptable to the City of Miami Beach.
- To receive the reimbursement payment, the business must be "open and in business" as determined by the City of Miami Beach, in its sole discretion.

V. Eligible expenses for reimbursement

- Expenses for delivery service fees from apps including UberEats, GrubHub, DoorDash and Postmates among others.
- Only those expenses incurred between the March 12, 2020 emergency declaration by the City Manager and October 31, 2020

VI. Proof of payment for reimbursement - to be reimbursed, businesses must provide the following:

- A copy of the paid invoice and a receipt which should clearly identify the business, the business address and a description of the services that were obtained by the business with a statement or stamp that says PAID.
- A copy of the method of payment:
- If paid by check, a copy of both sides of the cancelled check.
- If paid by credit card, a copy of the credit card receipt to confirm payment for the invoice was made to the vendor/service provider.
- If paid by cash, a copy of the cash receipt which must note CASH paid in full with the signature of the vendor/service provider.

VII. Grant application window

- Application available online on November 1, 2020 (proposed)
- Applications evaluated and processed on a first-come, first-qualified, first-served basis
- Application open until funds are exhausted