

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber Second Reading/Public Hearing
Members of the City Commission
Alina T. Hudak, City Manager

FROM: Rafael A. Paz, Acting City Attorney 

DATE: July 28, 2021

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 12 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ARTS, CULTURE AND ENTERTAINMENT," BY AMENDING ARTICLE I, ENTITLED "FILM AND PRINT PRODUCTIONS," BY AMENDING SECTION 12-1 THEREOF, ENTITLED "FILM AND PRODUCTION PERMITS," TO PROVIDE THE CITY MANAGER WITH THE DISCRETION TO AUTHORIZE A FILM OR PRODUCTION PERMIT FOR AN INDIVIDUAL OR ENTITY PREVIOUSLY ISSUED A NOTICE OF VIOLATION IN THE PRECEDING TWELVE MONTH PERIOD (FOR A FIRST OFFENSE ONLY), IF THE CITY MANAGER DETERMINES THAT THE GRANTING OF THE PERMIT IS IN THE BEST INTERESTS OF THE CITY, AND THE PERMITTEE AGREES TO ANY SUCH ADDITIONAL CONDITIONS AS MAY BE DEEMED NECESSARY BY THE CITY MANAGER; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The proposed Ordinance (the "Ordinance"), which is sponsored by Commissioner Michael Góngora, is submitted for second reading/public hearing at the July 28, 2021 meeting of the City Commission.

Currently, the City Code provides that the City Manager ***must decline*** to issue a film and print production permit to any person who has been issued a notice of violation for failing to obtain a film and print production permit in the preceding twelve months. As currently drafted, the City Code therefore provides no discretion whatsoever to the City Manager with regard to the issuance of a subsequent film and print production permit, even if the film and print production is one which the City would otherwise seek to support as part of its ongoing efforts to incentivize film and print production in the City.

The proposed Ordinance, if adopted, would simply provide the City Manager with the discretion (but not the obligation) to issue a film and print permit to any person, provided that (1) the City Manager determines that the granting of such permit is in the best interest of the City; (2) the

permittee otherwise satisfies all of the requirements of the City's Film Production Guidelines (a copy of which is attached to this Commission Memorandum), including, without limitation, requirements relating to quality of life concerns, such as noise, hours of filming, parking, private security, off-duty police officers, and the like; (3) the permittee has agreed to any such additional restrictions or conditions as the City Manager may require; and (4) the permittee has no more than one (1) prior violation in the preceding twelve (12) months.

RAP/AB/MAF/bhs