

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Alex Fernandez
DATE: July 20, 2022

SUBJECT: REFERRAL TO THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE, TO DISCUSS STREAMLINING PROCESS TO OBTAIN A STREET PERFORMER PERMIT OR SPECIAL EVENT PERMIT AND TO DISCUSS CREATING A ZONE IN A CITY PARK WHERE A LIMITED NUMBER OF MUSICIANS COULD PLAY UNAMPLIFIED MUSIC AT SPECIFIED TIMES WITHOUT A PERMIT.

BACKGROUND/HISTORY

An article in the July 1, 2022 edition of the Miami Herald detailed the plight of musicians playing music in South Pointe Park without a permit (and who were cited) on June 12, 2022, resulting in a petition signed by hundreds of people seeking to allow performances like it. Read more at: <https://www.miamiherald.com/news/local/community/miami-dade/miami-beach/article263075108.html#storylink=cpy>. A copy of the article is attached as Exhibit A.

Currently, in most of Miami Beach, playing live music in public is allowed without a permit. The only restrictions are in South Beach, where City Code sec. 18-906 requires street performers to apply for permits through a quarterly City lottery. There are 32 permits available via quarterly lottery to perform at one of 16 designated performance areas south of 24th Street, such as Lincoln Road and Ocean Drive. South Pointe Park isn't a designated area, so street performances are not allowed there. A copy of sec. 18-906 is attached as Exhibit B. Moreover, the City Commission previously prohibited amplified music and live performances at non-City produced events in South Pointe Park via Resolution 2010-27375. A copy of Resolution 2010-27375 is attached as Exhibit C.

Please place on the July 20, 2022 agenda a referral to the Public Safety and Neighborhood Quality of Life Committee to discuss the current regulations.

As part of the referral, I would request that the City Administration be prepared to discuss options for streamlining the street performer and special event permit processes, and also to discuss options for relaxing current policy regarding live music in a city park to be identified by the City Commission, to include, by way of example, the possibility of creating a zone within a park where a limited number of musicians could play unamplified music at specified times without a permit, while always protecting nearby residents quality of life.

SUPPORTING SURVEY DATA

n/a

FINANCIAL INFORMATION

n/a

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Neighborhoods - Evolve parks and green spaces to meet the changing needs of the community.

Legislative Tracking

Commissioner Alex Fernandez

Sponsor

Co-sponsored by Vice-Mayor Kristen Rosen Gonzalez

ATTACHMENTS:**Description**

- ▯ [MIAMI HERALD: Run-in with police sparks push to change Miami live music law](#)

Essential. Dependable. Local.
Subscribe for just \$3 for 3 months

CLAIM OFFER



LOG IN

SUBSCRIBE

Miami Herald

Coronavirus News Sports Business Personal Finance Public Notices

MIAMI BEACH

After musician handcuffed at South Beach park, there's a push to change live music law

BY MARTIN VASSOLO

UPDATED JULY 01, 2022 5:08 PM



X

Essential. Dependable. Local.

Subscribe for just \$3 for 3 months

CLAIM OFFER

Percussionist Jackson Strong says he was handcuffed June 12 at South Pointe Park after performing live music without a permit. He was not arrested but fined \$150 for not having a permit. He is lobbying to reform the city's public performance laws. BY COURTESY TO THE MIAMI HERALD



Only have a minute? Listen instead

Powered by **Trinity Audio**

00:00



1.0x

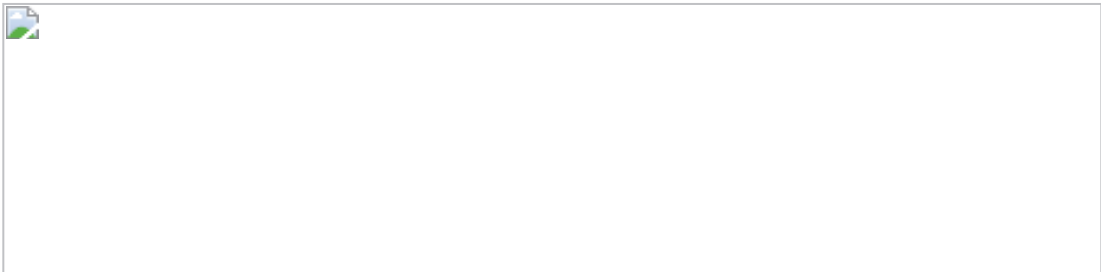
03:51

Miami percussionist Jackson Strong says he doesn't think playing live music is a crime.

So when he was approached by police at South Pointe Park in Miami Beach last month after performing with his band, he said he refused to show his ID when asked. That led to him getting handcuffed and removed from the park, according to a video of the June 12 encounter that Strong posted on his Instagram.

Strong said he was not arrested but fined \$150 for performing at the park without a permit.

TOP VIDEOS



Essential. Dependable. Local.

Subscribe for just \$3 for 3 months

CLAIM OFFER

Strong, a 38-year-old mindset coach and member of the local rock band Lotus Collective, is now hoping to convince Miami Beach commissioners to reform city laws requiring a permit to perform music in South Beach's most popular public areas.

A [petition created as part of the effort](#) has gathered over 600 signatures. Supporters called into a recent City Commission meeting to demand reform. And it has received attention from Beach commissioners interested in discussing the issue.

"We deserve to have our place in the world and not be stifled by an outdated government that is ruining the core of what Miami is," Strong said.

In most of Miami Beach, playing live music in public is allowed without a permit. The only [restrictions are in South Beach](#), where a local law requires performers or street vendors to apply for permits through a government lottery. There are 31 permits available via quarterly lottery to perform at one of 31 designated performance or vending areas south of 24th Street, such as Lincoln Road and Ocean Drive.

South Pointe Park isn't a designated area, so street performances are outright banned there.

Essential. Dependable. Local.

Subscribe for just \$3 for 3 months

CLAIM OFFER

Michael Cantalupo, a Miami Beach resident and filmmaker who created the petition, said the current law restricts live music in exactly the part of the city where musicians would want to perform. South Beach is a world-famous tourist destination known for its nightlife and entertainment scene.

Cantalupo, who also plays percussion, said he believes the law is unconstitutional and is lobbying local leaders to change it. He proposes allowing unpermitted performances in city parks at certain hours, replacing the lottery with an on-demand system and increasing the cap on how many permits are issued. He also wants to streamline the application process to allow for quicker approval of permits.

“The city is worried about somebody basically just playing their stereo very loud with music with very hateful lyrics and scaring the public,” he said. “That’s still happening anyway.”

Essential. Dependable. Local.

Subscribe for just \$3 for 3 months

CLAIM OFFER

Miami Beach Commissioner Alex Fernandez, who has met with Cantalupo, said he agrees the current law goes too far. He said the law was intended to protect residents' quality of life from "loud obnoxious amplified music," but he doesn't see anything wrong with live music at a park.

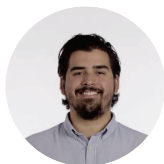
"Let's restrict the bad stuff but let's allow the right positive activity to move forward," he said.

Fernandez did not provide details on how he would differentiate between certain types of musical performances. He said he wants to discuss the issue at a future city committee meeting.

Fernandez said he is still studying the issue but would generally support allowing unpermitted live music at public parks at certain hours with criteria on crowd size and noise levels, and streamlining the permit process.

"We can't regulate so much that we take away from their quality of life," he said.

This story was originally published July 1, 2022 4:33 PM.

**MARTIN VASSOLO**

305-376-2071

Martin Vassolo writes about local government and community news in Miami Beach, Surfside and beyond. He was part of the team that covered the Champlain Towers South building collapse, work that was recognized with a staff Pulitzer Prize for breaking news. He began working for the Herald in 2018 after attending the University of Florida.