

Merino, Miriam

From: Aguila, Raul
Sent: Thursday, August 17, 2017 4:58 PM
To: Levine, Philip; Arriola, Ricky; Aleman, John; Grieco, Michael; Malakoff, Joy; Rosen Gonzalez, Kristen; Steinberg, Micky
Cc: Morales, Jimmy
Subject: FW: Air and Sea Show Letter
Attachments: Stubbed Attachments.htm

This message's contents have been archived by the Barracuda Message Archiver.
[Letter to Air & Sea Show 08-17-17 re activation for 2018 event.doc.pdf \(1.5M\)](#)

Attached pls find letter to Air and Sea Show confirming renewal based on Event maintaining same scope as 2017 show. I will forward fully executed copy once I receive (via LTC).

Thanks

THE FOLLOWING IS SENT FOR INFORMATIONAL PURPOSES. TO ENSURE SUNSHINE LAW COMPLIANCE PLEASE DO NOT REPLY.

From: Paz, Rafael
Sent: Thursday, August 17, 2017 4:54 PM
To: Aguila, Raul
Subject: Air and Sea Show Letter

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

OFFICE OF THE CITY ATTORNEY
Tel: 305-673-7470, Fax: 305-673-7002

August 17, 2017

VIA U.S. CERTIFIED MAIL

RRR #7010 0290 0002 4522 6705

RRR #7010 0290 0002 4522 67012

A National Salute to America's Heroes, LLC
c/o Michael I. Kotler, Esq.
54 S.W. Boca Raton Boulevard
Boca Raton, FL 33432

Mr. Micky Markoff
A National Salute to America's Heroes, LLC
10394 West Sample Road, Suite 200
Coral Springs, FL 33065

Re: Clarification to Agreement between the City of Miami Beach, Florida ("City") and A National Salute To America's Heroes, LLC ("Applicant"), dated February 1, 2016 for Air & Sea Show event ("Event") during Memorial Day Weekend (the "Agreement")

Dear Messrs. Markoff and Kotler:

This letter hereby confirms that at the July 26, 2017 City Commission meeting of the City of Miami Beach, the Mayor and City Commission agreed to permit the 2018 Event to take place, and declined to exercise the City's right to discontinue the Events pursuant to Section 20(a) of the Agreement, contingent upon, and in reliance on, Mr. Markoff's agreement, as represented in his statement to the City Commission at the July 26, 2017 meeting, that the activation for the 2018 Event would have the same scope as the activation agreed to, and implemented for, the 2017 Event.

Notwithstanding the preceding, the City Commission also directed the Administration to engage in further discussions with the Applicant, with respect to the possibility to expand the 2018 Event activation to, among other terms, for the sole purpose of potentially including a concert and fireworks show from 4:00 p.m. to 9:00 p.m., as part of the 2018 Event, and for the City to fund an additional City sponsorship, grant or other underwriting of costs for the Event, both subject to mutual agreement of the parties.

At the City Commission meeting, and prior to the City Commission's vote, I specifically asked Mr. Markoff if he acknowledged and agreed with the motion made to proceed with the 2018 Event, with the same scope as the activation actually implemented for the 2017 Event. Mr. Markoff, on behalf of the Applicant, twice confirmed his acknowledgment and agreement to the foregoing. In addition, Mr. Markoff further expressed his willingness to continue the discussions with the City, and to share his vision for an expansion and taking the Event forward.

Accordingly, this letter shall serve to clarify the Agreement to confirm that the 2017 Special Events Permit, a copy of which is attached hereto as Exhibit 1, shall form the basis for, and the scope of,

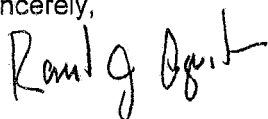
A National Salute to America's Heroes, LLC
August 17, 2017
Page 2

the activation of the 2018 Event, with any other proposed activation subject to negotiation and mutual agreement of the City of Miami Beach and the Applicant.

Please confirm the Applicant's acknowledgement and agreement to the scope of the activation of the 2018 Event, by signing the enclosed copy of this letter where indicated below, and returning this letter to me by August 30, 2017. Upon receipt of your executed copy, the City Manager will execute and transmit this correspondence to the Mayor and City Commission via a Letter to Commission.

We look forward to our further discussions, and to working with you with regard to the 2018 Event.

Sincerely,



Raul J. Aguila
City Attorney

Enclosure

cc: Mayor and Members of the City Commission
Jimmy L. Morales, City Manager
Eva Silverstein, Director, City's Tourism, Culture and Economic Development Dep't
Marci A. Rubin, Esq., as Registered Agent for the Applicant
(8930 W. State Road 84, #127, Davie, FL 33324)

Agreed to and accepted by:

A National Salute to America's Heroes, LLC
Micky Markoff, Manager

Date: _____

Jimmy L. Morales
City Manager

Date: _____



MIAMIBEACH

Special Events Permit

Department of Tourism, Culture & Economic Development
Office of Film & Event Production Management

Permit Number: 201711

Date: 5/15/2017

Event: National Salute to America's Heroes (Air & Sea Show 2017)

The producer of the following event has met the necessary requirements pursuant to the Special Events Permit Requirements and Guidelines of the City of Miami Beach:

Event: National Salute to America's Heroes (Air & Sea Show 2017)
 Permittee: A National Salute to America's Heroes, LLC
 Contact: Maureen Luna Phone: 954-649-4771 Mobile: 954-649-4771 Fax: #Err#Error
 Address: 215 Grand Concourse Miami Shores FL -33138 USA
 Onsite Contact: Maureen Luna Mobile: 954-649-4771

Begin Event Date	End Event Date	Start Hour	End Hour	Load-In Date	Begin Hour	End Hour	Load-out Date	Begin Hour	End Hour
5/27/2017	5/28/2017	9:00 AM	4:00 PM	5/22/2017	5:00 AM	12:00 AM	5/31/2017	12:00 AM	12:00 AM

Event Location 1: Lummus Park Beach; 10th - 14th Streets

Event Location 2: Beachfront at 14 Street

Neighborhood: Ocean Drive

Event Description: Aircraft flight demonstration and aquatic show with entertainment, exhibits, souvenir and refreshment sales.

Event Elements: Event permit allows for the following areas/ uses:

*Display Village in Lummus Park west of the dunes in the sand area between 10 and 14 Street. Event must leave 50 feet clearance north of County dumpster. Area will include 10'x10' tents 3' apart, larger tents and portolets, electrical with building permits, military recruitment, vehicles and aircraft staged, food and beverage vendors (no alcohol samples or sales), stage in 1100 block for live entertainment.

* VIP/ Sponsor tent on beachfront east of dunes from 13 Street to 14 Place, per DEP permit, Miami-Dade turtle monitor requirements, Boucher Brothers approval, tents, portolets, electrical and fencing with building permits. Parachute landing zone in this area, secured by MBPD and per FAA approvals. Area will be fully secured from public access via police and ocean rescue. Alcohol sampling (no sales) permitted in this area, but may not leave enclosure.

* Ocean Box - Event is working with FAA, Coast Guard, other municipalities and Fire to completely control 15,000' x 3000' area of ocean east of swim buoy for a clean zone of no water or aircraft during event (5/27-28, 9am to 4pm) and rehearsal times (5/26 12-4pm) . Ocean Rescue will maintain swim zone and restrict all jetskis, etc. Added buoys per DEP permit requirements.

Other details:

* Event must have Miami Beach police escorts for all vehicle access in authorized areas (Lummus sand and beachfront).

* Event must execute a comprehensive and continuous sanitation plan that included single stream recycling, regular trash/ dumpster pulls, cleaning of all areas throughout event, protection of sand from any cooking oil or grill/ coals and construction material, and full sifting of all event areas until satisfactorily restored.

* No night time lighting is permitted, including work/ security lighting, east of dunes from 9pm to 7am. West of dunes, work/ security lighting must face down/ west and may not be visible from beachfront, per DEP requirements.

* Reserved VIP parking in Anchor Garage per Parking arrangement. No other reserved meters or garage spaces approved. No personal vehicles may use Lummus Park or Beachfront. VAP use is for production essential vehicles only.

* Noise ordinance is waived by City Manager during event and rehearsal times only, 5/26 12-4pm and 5/27-29 9am-4pm. Waiver is for demonstrations in the Box only.

Estimated Attendance: 15000

City Services:

Exhibit 1

Off-duty office notification 305-673-7823. Deputy Chief Rick Clements, Lt. Doug Simon coordinating. Event staffing includes off-duty Police officers handling all load-in and load-out activities and all public safety and traffic needs for this event. No street closures are approved via this permit. All vehicles entering the beach must have a police escort at all times, failure to comply with this condition will result on an automatic default of event's deposit. Fire Department has staffed according to the event needs. Coordination by Chief Fernandez and Capt Charlton Price. MBOR will staff entire beachfront, per coordination by Capt. Vincent Canosa. All City Departments have been notified.

Sanitation Clean Up:

Event producers must execute an approved sanitation plan as part of their event. All arrangements and removal of garbage, trash, single stream recycling, and other debris are the sole responsibility of the applicant including but not limited to any of the surrounding areas throughout the duration of the event and immediately following it. Permits may not employ City trash cans and dumpsters as their sanitation. Applicants are required to meet sanitation standards to assure an adequate number of litter and recycling containers are on-site, and must encourage guests to comply with the City of Miami Beach's anti-litter efforts. At minimum, one recycling container is required per designated trash collection area. Single stream recycled materials must be removed separately from trash and taken to an appropriate recycling center. Glass containers and plastic straws are prohibited unless stated otherwise. Any Styrofoam and polystyrene food service items are strictly prohibited. The event site and areas surrounding it must be restored to its original condition; failure to execute a proper sanitation plan will result in default of the security deposit.

Also as part of the Sanitation plan for this event all port-o-lets must be maintained at all times they are open, to event attendees and general public. If event producers wish to lock port-o-lets after event hours, that must be made clear and will be checked. If port-o-lets are meant for attendee use only, they must be behind enclosed fencing that does not allow open use. Port-o-lets maintenance must include overall cleanliness and restocking paper and supplies throughout the course of open use. Vendors maintaining, emptying and delivering/ removing port-o-lets must follow all procedures of Vehicle Access Policy and have proper passes and escorts.

Sand sifting is required as part of this event.

Parking Plan:

Event attendees will park in various municipal parking garages and meter parking in the surrounding areas.

100 VIP parking spaces pre-paid and reserved in Anchor Garage 5/27&28 only.

Permit Conditions:

****THIS PERMIT MUST BE POSTED IN A CONSPICUOUS LOCATION. Failure to do so may result in a citation.**

NOISE/ EVENT ENTERTAINMENT:

****This Special Events permit provides a City Manager granted waiver from the Miami Dade County Noise Ordinance for 5/26 12-4pm, 5/27-28 9am-4pm for demonstration activity in the ocean box area. In all other areas, applicant shall abide by the Miami Dade County Noise Ordinance and City of Miami Beach ARTICLE IV NOISE section of the City Code.**

****Live and DJ Entertainment as well as announcements at Display Village stage area and in VIP tent.**

****Speaker placement must face due east.**

**** Per the Miami-Dade County ordinance any load-in or load-out activity/operations must cease by 11:00pm and resume the next day at 8:00am unless otherwise stated in this permit.**

****No liquor sales are approved via this permit. Liquor sampling/ wet zone in the enclosed VIP tent area only, with alcohol not to leave the premises.**

BEACH ACCESS/SITE LOCATION

****Event site location: Lummus Park sand area 10-14 Street and beachfront hardpack from 13St - 14 Pl. Event producer will leave 25 feet between the event site and the the dune in all areas at all times.**

****Beach Access Conditions: as part of this permit twenty five (25) vehicles are allowed on the beach at one time (#'s 4341-4365). As indicated in the vehicle beach access policy this permit must be displayed on the windshield of any vehicle on the beach. All such vehicles must be escorted on/off the beach by City of Miami Beach Off-Duty Police. Any vehicles that do not have a pass displayed are subject to immediate removal. Event applicant must leave a 25 foot emergency access lane from the eastern most part of the sand dune to the event site or 25 feet from the trash can line to the event site.**

****Only essential production vehicles are permitted in Lummus Park or the beachfront. No personal vehicles.**

****All beach access and dune cross over's must remain open at all times, except 13-14 Street with signage created by producer to redirect.**

OCCUPANCY:

****A temporary occupant load in the enclosed VIP area is PENDING, to be issued by the City's Fire Department. Once issued, applicant must post the certificate for inspection.**

BUILDING PERMITS/ CONDITIONS:

****Building Department permitted temporary structures include: tent(s), generator(s) (must include absorbent padding under them if on sand or grass), restrooms and fencing. All approved building permits and requisite special inspector forms must be on site for inspection at all times. Failure to provide such forms will result in a violation of this Special Event permit.**

****Allowed temporary structures which DO NOT require a building permit - portable generators rated at 5000 watts or less (must be enclosed by a fence or barricade, must have sound muffled to abide by noise ordinance; must include absorbent padding under it if on sand or grass; all cabling must be ADA compliant). A 30" or less riser (for production purposes only; the public is not allowed on it at any time); tents measuring 120' square feet total or less with three foot separation from each other or any structures if no electrical use involved; ten feet if electrical use involved.**

****Applicant must use black or dark colored plastic fasteners for all installations on sand and must completely**

remove and discarded fasteners from the event site. Any and all screws or nails MUST be removed from sand at event producer's expense and collected individually as removed.

**Applicant/vendor is responsible for taking necessary measures to ensure public safety. All cables placed in the public right of way must be covered in electrical sleeve jackets and must be ADA accessible.

**Any temporary structures not listed as part of this permit that are erected at the event site must have the approved building permit and requisite special inspector forms posted on the structure and available for inspection at all times. Failure to do so is a violation of this Special Event permit.

EXTENSIONS/ PROVISIONS:

**There will be no special use of Ocean Drive or any finger street from 5-15 Street, inclusive of load in and load out, as part of this event.

**Sampling from participating event sponsors may only take place within the identified/ defined event area as per the approved site plan. Any sampling beyond this approved area requires a Temporary Sampling Permit. Any deviation constitutes a violation of this permit and must cease immediately.

** Any sales of non-alcoholic beverages on public property must meet brand alignment of Coca-Cola agreement with the City of Miami Beach. Any deviation constitutes a violation of this permit and must cease immediately.

**Any commercial filming on public property; whether produced, coordinated or approved by the permittee; within or relevant to the approved event area, must have an approved Miami Beach film permit. All drone (UAS) uses are prohibited in event area, whether above public or private property, and cannot be permitted by film permit in public event activations. Allowance of drone uses by permittee is a violation of this permit.

***Due to mosquito breeding concerns, any standing water use is a violation of this permit.

STREET CLOSURES/ LANE REDUCTIONS/ ROW PERMITS:

**There are no street closures approved as part of this permit.

**Unless otherwise stated in this permit, no closure, lane reduction or traffic holds are permitted Monday - Friday from 7am to 9am and 4pm to 7pm.

SIGN-OFF'S/ NEIGHBORHOOD REVIEW:

**Residential notices provided to Il Villaggio, 1501 Ocean Dr.

**Community reviewed.

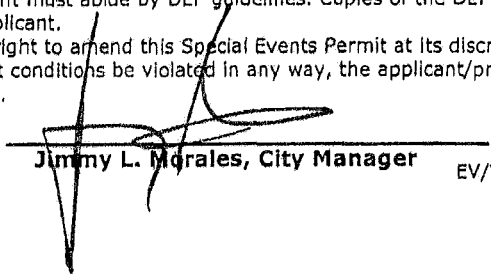
OTHER/ DISCLAIMER:

**State of Florida DEP approved. Applicant must abide by DEP guidelines. Copies of the DEP permit and guidelines have been provided to the applicant.

**The City of Miami Beach reserves the right to amend this Special Events Permit at its discretion.

**Should any of the Special Event Permit conditions be violated in any way, the applicant/producer will be cited and may forfeit the security deposit.

APPROVED BY:



Jimmy L. Morales, City Manager

EV/VW/GW/LN/MB



Permit Number: 201711

TERMS AND CONDITIONS OF SPECIAL EVENTS PERMIT

AUTHORITY: This Permit is issued by the authority of the City Manager (the 'Permitter'), for the purpose of special events on public property, or private property where such event would not normally be allowed, pursuant to the Special Events Permit Regulations and Guidelines, as codified in City of Miami Beach Ordinance No. 2001-3302, as same may be amended from time to time (the Guidelines).

PERMIT REQUIRED: This Permit is a public record and must be maintained and available for inspection at all times at the location on which the Event occurs. This Permit may not be assigned, altered, and/or the terms of this Permit varied from by the Permittee without the prior written consent of the City of Miami Beach. This Permit shall not be valid unless approved and executed by the City Manager.

COMPLIANCE WITH PERMIT AND LAWS: Permittee agrees to comply with the terms and conditions of this Permit; the Guidelines (as may be amended from time to time); and with all applicable Federal, State, and local laws, regulations, ordinances, and rules. Non-compliance shall be subject to enforcement by the City, through and including, but not limited to, City Police, Code Compliance Officers, Fire Inspectors, or such other authorities (whether City, State, or Federal) having jurisdiction, and may further result in revocation of this Permit and/or cancellation, suspension, or early termination of the Event. The Permitter, or an authorized representative, may modify, suspend, or revoke this Permit, at his/her sole discretion, including, but not limited to, such cases where the Permitter finds that Permittee's activities and/or the Event is contrary to the health, safety and welfare of any person, or that said activities are or will cause damage to real or personal property.

INSURANCE: This Permit is granted subject to Permittee providing the City any and all applicable Certificate(s) of Insurance, including general liability insurance, for bodily injury, death, property damage, and personal injury. All Insurance Certificate(s) must name the City of Miami Beach as additional insured and policyholder.

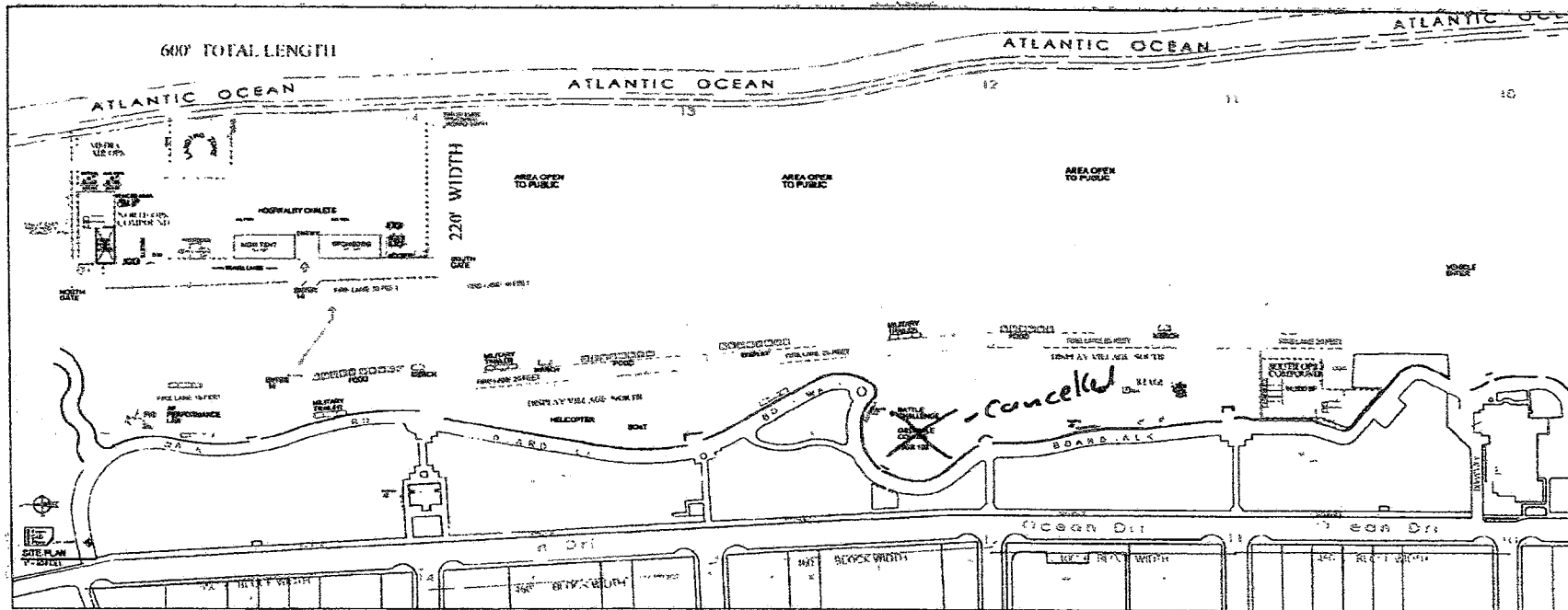
INDEMNIFICATION: In consideration of the City's approval of this Permit, and the granting of the privilege herein, Permittee waives all claims against the City of Miami Beach, its officers, agents and employees, for loss or damages caused by, arising out of, or in any way connected with the granting of this Permit or of the Event. Permittee agrees to indemnify, defend and hold harmless the City of Miami Beach, its officers, agents and employees, from any and all alleged claims, loss, damage or liability caused by, arising out of, or in any way connected with the granting of this Permit or of the Event.

RISK: Permittee acknowledges that its use of any City of Miami Beach facilities and/or property for purposes of this Permit and/or the Event, is at its own risk and expressly waives any right to make or prosecute claims or demands against the City of Miami Beach for any loss, injury or damage which Permittee or its officers, agents, employees, guests, invitees, and any other persons or entities related to or associated with the Permittee and/or Event may sustain in the exercise of the permissions granted, or by reason of any defect, deficiency or impairment which may occur from time to time from any cause or the utilities or other services furnished, or for any loss resulting from fire, water, wind, civil commotion, riot, landslide, or acts of God. Permittee further understands and agrees that all City property and facilities are offered in their 'as is' condition with no representation or warranty, express or implied.

REMOVAL OF MATERIALS: The Permittee shall clean up and restore the Event location and all City property and facilities hereon and/or related hereto as they were prior to the Event taking place, including, but not limited to, the removal of all temporary structures, equipment, trash and garbage removal, and any other restoration of City property and facilities, as deemed necessary by the City. All such work shall be completed within the time specified in the Permit (i.e. load-out date), unless the City agrees in writing, that this may be done at a later time. In the event the Permittee fails to comply, the City of Miami Beach may remove and restore same, and Permittee shall pay any costs incurred. Permittee agrees to pay the City of Miami Beach for damage to City of Miami Beach property and facilities resulting from operations undertaken by Permittee.

VENUE: This Agreement shall be enforceable in Dade County, Florida, and if legal action is necessary by either party with respect to the enforcement of any and all the terms or conditions herein, exclusive venue for the enforcement of same shall lie in Dade County, Florida. CITY AND CONCESSIONAIRE HEREBY KNOWINGLY AND INTENTIONALLY WAIVE THE RIGHT TO TRIAL BY JURY IN ANY ACTION OR PROCEEDING THAT CITY AND CONCESSIONAIRE MAY HEREIN AFTER INSTITUTE AGAINST EACH OTHER WITH RESPECT TO ANY MATTER ARISING OUT OF OR RELATED TO THIS AGREEMENT OR THE CONCESSION AREA(S).

Commencement of activity under this permit by a permittee or its agents, employees or subcontractors constitutes acceptance of the terms and conditions of this permit. The permittee shall further ensure that all employees, sponsors and guests of the special event comply with the terms and conditions of this permit. All activity under this permit shall also be in compliance with all applicable federal, state, county and municipal laws. This permit may be revoked at any time.



AIR & SEA SHOW 2017

AIR & SEA SHOW 2017
MIAMI BEACH
MAY 2017

Event
 C-15
 Plans

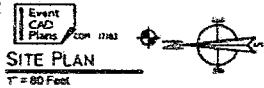
DRAFT
DESIGN SET

MIAMI BEACH
 LUMMAUS PARK

SITE PLAN

DATE: 05/01/17
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]
 SCALE: 1/8" = 1'-0"

3/22/2017 11:07:42 AM



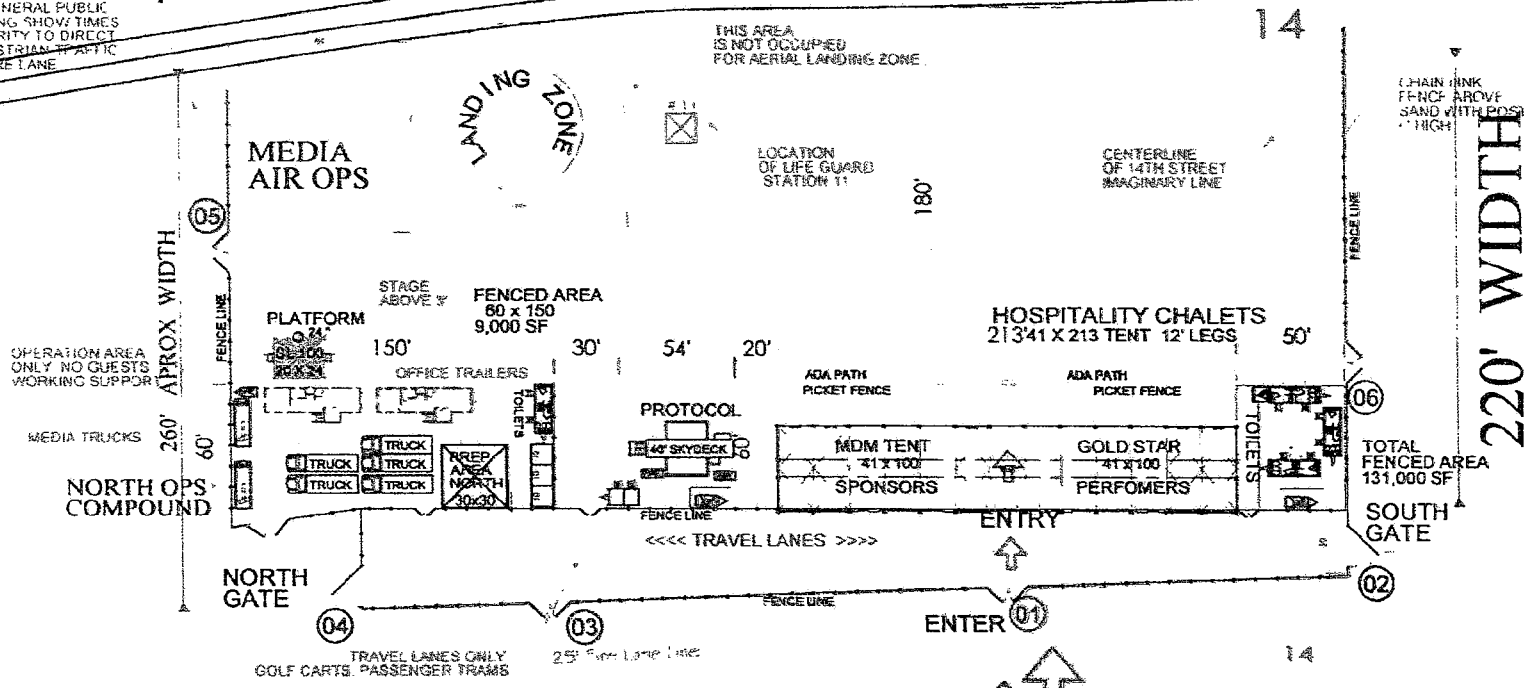
525' TOTAL LENGTH

ATLANTIC OCEAN

AREA WILL BE CLOSED TO GENERAL PUBLIC DURING SHOW TIMES SECURITY TO DIRECT PEDESTRIAN TRAFFIC TO FIRE LANE

THIS AREA IS NOT OCCUPIED FOR AERIAL LANDING ZONE

CHAIN LINK FENCE ABOVE SAND WITH POSTS 4" HIGH



AREA TO P

220' WIDTH

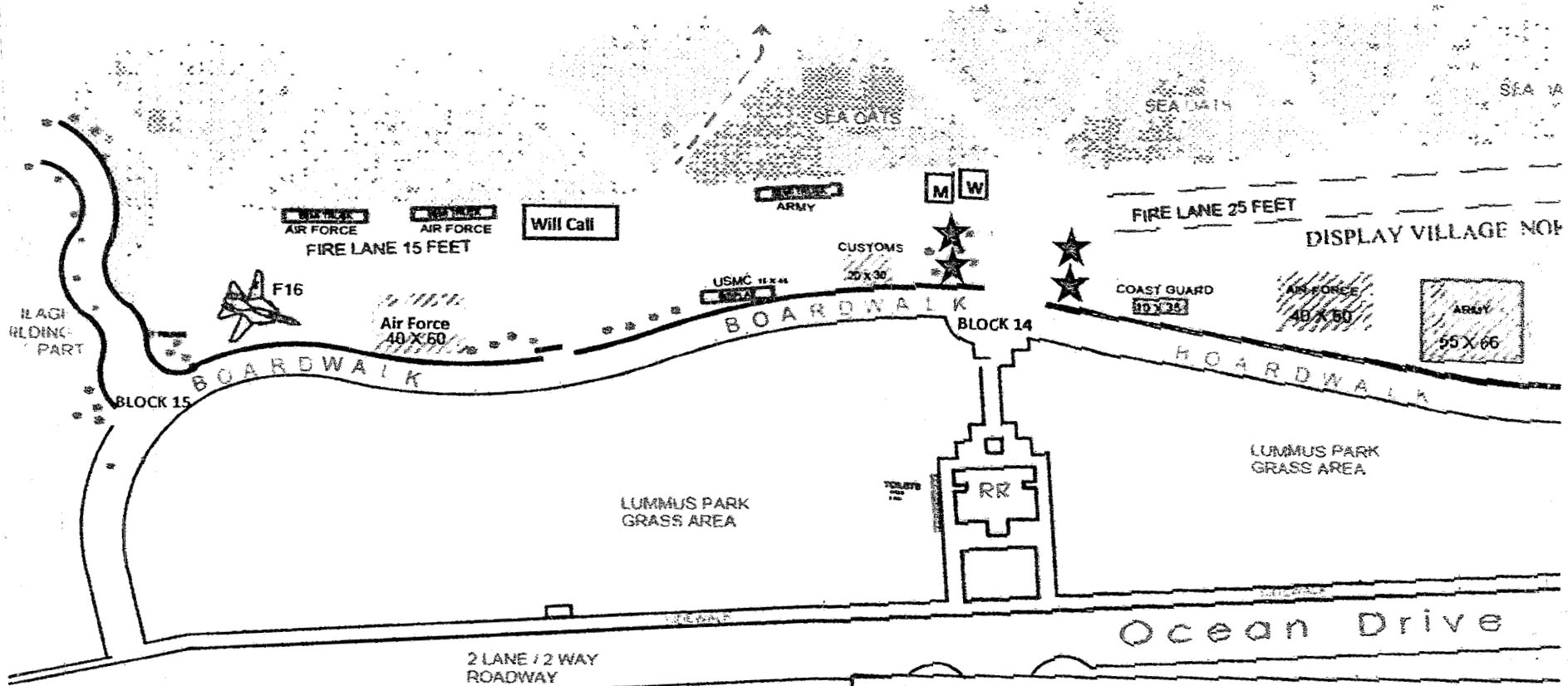
Site: BEACHFRONT LUMMUS PARK MIAMI BEACH

AIR & SEA SHOW 2017 MIAMI BEACH MAY 27 & 28, 2017

PLAN EAST SIDE

Event CAD Plans .com May 18, 2017 - 12:27pm 17103
 Air Sea Show 2017 MB R15
 SITE PLAN CAN ONLY BE USED FOR PROJECT / CLIENT SPECIFIED. NO COPYING OR MODIFICATION WITHOUT WRITTEN CONSENT.
 B15

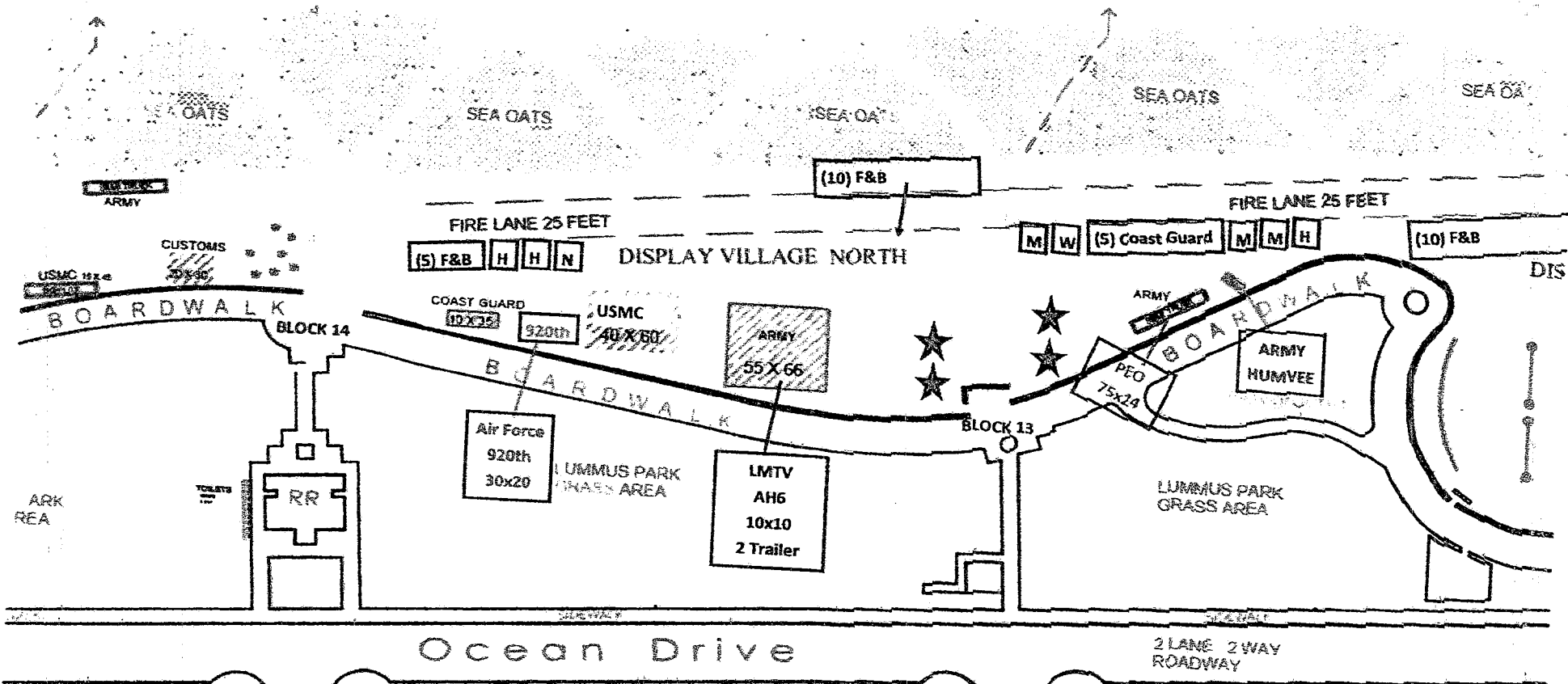
Event CAD Plans 2017 Air Sea Show 2017 MB R15.dwg



LEGEND

H - Herald F&B - Food & Bev M - Merchandise W - Wood Art

★ - Hyundai Cars



LEGEND

H - Herald F&B - Food & Bev M - Merchandise W - Wood Art ★ - Hyundai Cars

VEHICLE
ENTER

SEA OATS

SEA OAT

SEA OAT

SEA OATS

FIRE LANE 25 FEET

FIRE LANE 25 FEET

(6) F&B

M

W

H

H

Marines 30x50

(5) F&B

N

(5) I Heart Radio

ATM

DISPLAY VILLAGE SOUTH

STAGE

FOH

SOUTH OPS
COMPOUND

CLEAR

14,350 SF

P
O
R
T
O

BLOCK 10

BLOCK 11

BLOCK 12

BOARDWALK

LUMMUS PARK
GRASS AREA

LUMMUS PARK
GRASS AREA

Ocean Drive

Ocean Drive

LEGEND



Hyundai Cars

F&B - Food & Bev

M - Merchandise

N - Navy

H - Miami Herald

W - Wood Art

V - I Heart Vehicles





STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Water Resource Management
2600 Blair Stone Road - Mail Station 3522
Tallahassee, Florida 32399-2400
(850) 245-8336

PERMIT NUMBER: DA-729

PERMITTEE

City of Miami Beach
c/o Maureen Luna
10394 W. Sample Road
Coral Springs, Florida 33065

**NOTICE TO PROCEED AND PERMIT FOR CONSTRUCTION OR OTHER ACTIVITIES
PURSUANT TO SECTION 161.053, FLORIDA STATUTES**

FINDINGS OF FACT: An application for authorization to conduct the activities seaward of the coastal construction control line that are indicated in the project description, was filed by the applicant/permittee named herein on April 28, 2017, and was determined to be complete pursuant to rule on May 1, 2017.

CONCLUSIONS OF LAW: After considering the merits of the proposal and any written objections from affected persons, the Department finds that upon compliance with the permit conditions, the activities indicated in the project description of this permit are of such a nature that they will result in no significant adverse impacts to the beach/dune areas or to adjacent properties; that the work is not expected to adversely impact nesting sea turtles, their hatchlings, or their habitat; that the work is expendable in nature and/or is appropriately designed in accordance with Section 62B-33.005, Florida Administrative Code. Based on the foregoing considerations, the Department approves the application; authorizes construction and/or activities at the location indicated below in strict accordance with the project description, the approved plans (if any) and the General Permit Conditions which are attached and are by this reference incorporated herein, and any additional conditions shown below, pursuant to Section 161.053(4), Florida Statutes.

EXPIRATION DATE: May 31, 2017

LOCATION: Between approximately 271 feet and 484 feet south of the Department of Environmental Protection's reference monument R-67, in Dade County. Project address: Lummus Park, 14th Street and Ocean Drive, Miami Beach.

PROJECT DESCRIPTION:

The applicant/permittee is authorized to construct pavilions for a special event (National Salute to America's Heroes). The total event area is approximately 136,500 square feet, which is fenced off. Confined within this area is the placement of approximately 8,733 square feet of temporary tent structures and approximately 7,200 square feet of a platform area, as shown. The project is to setup on May 22, 2017 with teardown and site restoration to be completed by May 31, 2017. This project area is to be accessed through authorized access points, only. Additionally, during show times security will direct pedestrian traffic to the existing fire lane.

SPECIAL PERMIT CONDITIONS:

1. Existing native beach and dune vegetation shall be disturbed only to the minimum extent necessary to complete work within the authorized construction limits.

2. All rubble and debris resulting from this construction shall be removed to a location landward of the coastal construction control line.
3. No water from the structure or event area shall be allowed to run onto or across the beach.
4. All structures proposed to be constructed in marine turtle nesting habitat and left out overnight shall have three (3) feet of vertical clearance beneath them, at least seven (7) feet of horizontal clearance between the supports where they meet the beach, and shall be located as far landward as possible. Any structures or materials not meeting these criteria must be removed by sundown each day with the exception of the proposed fences, two tents without floors or contents and portable toilets that are to be located on the packed sand area near the vegetation line. All staging shall be off the beach. Storage of event equipment and materials shall be off the beach or in the stationary trucks and trailers on the packed sand area near the vegetation line that are authorized in the permitted plans.
5. The use of heavy equipment is prohibited, and the use of street vehicles to transport event equipment is prohibited except on beaches where public beach driving is allowed by local ordinance. A lightweight, ATV-type vehicle with 10 p.s.i. or less ground-to-tire pressure may be used for equipment transport if allowed by local ordinance. Use of vehicles shall be minimized, and restricted to event set-up and break-down.
6. In order to place structures on the beach, surveys for marine turtle nesting activity must be ongoing, and have been conducted daily for 65 days previous to the event date or since the beginning of marine turtle nesting season in accordance with the following conditions:
 - 6.1. All nesting surveys shall be conducted by qualified persons who hold a valid marine turtle permit issued by the Florida Fish and Wildlife Conservation Commission (FWC) pursuant to Florida Administrative Code Rule 68E-1. No materials or equipment may be set up on the beach until the applicant has coordinated with the marine turtle permit holder.
 - 6.2. It is the responsibility of the permittee to ensure that the project area and access sites are surveyed daily for marine turtle nesting activity and all nests occurring in the project area are marked for protection. The permittee must arrange for a Marine Turtle Permit Holder who is duly authorized to conduct activities on the beach through a valid permit issued by the FWC, pursuant to 68E-1, F.A.C., to conduct all nesting surveys and nest protection work and shall convey the following requirements to the Marine Turtle Permit Holder who has agreed to conduct nest marking for this activity.
 - 6.3. Nest surveys shall be conducted daily between sunrise and 9 a.m. during marine turtle nesting season. No activity shall occur in any location prior to completion of the necessary marine turtle nest survey and protection measures.
 - 6.4. Nests deposited within the event area shall be marked and left in place unless natural factors threaten the success of the nest. Any nests left in the event area shall be clearly marked. A circle with a radius of ten (10) feet, centered at the clutch, shall be marked by stake and survey tape or string. No activities shall enter this circle and no adjacent activities shall be allowed which might directly or indirectly disturb the area within the staked circle.
7. No lighting associated with the event is authorized after 9:00 p.m. during the marine turtle nesting season.

8. No water from the structure or event area shall be allowed to run onto the beach where it could impact adjacent sea turtle nests.
9. In the event an unmarked marine turtle nest is exposed, or a dead, injured, or sick marine turtle is discovered during the event, the marine turtle permit holder shall be notified immediately such that appropriate conservation measures can be taken. Within 24 hours of any such occurrence, a report of the incident shall be sent to the FWC Imperiled Species Management Section at MarineTurtle@myfwc.com.
10. The permittee shall not disturb existing beach and dune topography. No excavation of sand landward of the mean high water line is permitted. Any temporary minor disturbances in the sand (including ruts, depressions, holes, or mounds) shall be filled in and raked smooth with hand tools each evening.
11. All structures shall be removed no later than permit expiration.

GENERAL PERMIT CONDITIONS

(1) The following general permit conditions shall apply, unless waived by the Department or modified by the permit:

(a) The permittee shall carry out the construction or activity for which the permit was granted in accordance with the plans and specifications that were approved by the Department as part of the permit. Deviations therefrom, without written approval from the Department, shall be grounds for suspension of the work and revocation of the permit pursuant to Section 120.60(7), F.S., and shall result in assessment of civil fines or issuance of an order to alter or remove the unauthorized work, or both. No other construction or activities shall be conducted. No modifications to project size, location, or structural design are authorized without prior written approval from the Department. A copy of the notice to proceed shall be conspicuously displayed at the project site. Approved plans shall be made available for inspection by a Department representative.

(b) The permittee shall conduct the construction or activity authorized under the permit using extreme care to prevent any adverse impacts to the beach and dune system, marine turtles, their nests and habitat, or adjacent property and structures.

(c) The permittee shall allow any duly identified and authorized member of the Department to enter upon the premises associated with the project authorized by the permit for the purpose of ascertaining compliance with the terms of the permit and with the rules of the Department until all construction or activities authorized or required in the permit have been completed and all project performance reports, certifications, or other documents are received by the Department and determined to be consistent with the permit and approved plans.

(d) The permittee shall hold and save the State of Florida, the Department, and its officers and employees harmless from any damage, no matter how occasioned and no matter what the amount, to persons or property that might result from the construction or activity authorized under the permit and from any and all claims and judgments resulting from such damage.

(e) The permittee shall allow the Department to use all records, notes, monitoring data, and other information relating to construction or any activity under the permit, which are submitted, for any purpose necessary except where such use is otherwise specifically forbidden by law.

(f) Construction traffic shall not occur and building materials shall not be stored on vegetated areas seaward of the control line unless specifically authorized by the permit. If the Department determines that this requirement is not being met, positive control measures, such as temporary fencing, designated access roads, adjustment of construction sequence, or other requirements, shall be provided by the permittee at the direction of the Department. Temporary construction fencing shall not be sited within marine turtle nesting habitats.

(g) The permittee shall not disturb existing beach and dune topography and vegetation except as expressly authorized in the permit. Before the project is considered complete, any disturbed topography or vegetation shall be restored as prescribed in the permit with suitable fill material or revegetated with appropriate beach and dune vegetation.

(h) All fill material placed seaward of the control line shall be sand which is similar to that already existing on the site in both coloration and grain size. All such fill material shall be free of construction debris, rocks, clay, or other foreign matter; shall be obtained from a source landward of the coastal construction control line; and shall be free of coarse gravel or cobbles.

(i) If surplus sand fill results from any approved excavation seaward of the control line, such material shall be distributed seaward of the control line on the site, as directed by the Department, unless otherwise specifically authorized by the permit.

(j) Any native salt-tolerant vegetation destroyed during construction shall be replaced with plants of the same species or, by authorization of the Department, with other native salt-tolerant vegetation suitable for beach and dune stabilization. Unless otherwise specifically authorized by the Department, all plants installed in beach and coastal areas – whether to replace vegetation displaced, damaged, or destroyed during construction or otherwise – shall be of species indigenous to Florida beaches and dunes, such as sea oats, sea grape, saw palmetto, panic grass, saltmeadow hay cordgrass, seashore saltgrass, and railroad vine, and grown from stock indigenous to the region in which the project is located.

(k) All topographic restoration and revegetation work is subject to approval by the Department, and the status of restoration shall be reported as part of the final certification of the actual work performed.

(l) If not specifically authorized elsewhere in the permit, no operation, transportation, or storage of equipment or materials is authorized seaward of the dune crest or rigid coastal structure during the marine turtle nesting season. The marine turtle nesting season is May 1 through October 31 in all counties except Brevard, Indian River, St. Lucie, Martin, Palm Beach, and Broward counties where leatherback turtle nesting occurs during the period of March 1 through October 31.

(m) If not specifically authorized elsewhere in the permit, no temporary lighting of the construction area is authorized at any time during the marine turtle nesting season and no additional permanent exterior lighting is authorized.

(n) All windows and glass doors visible from any point on the beach must be tinted to a transmittance value (light transmission from inside to outside) of 45% or less through the use of tinted glass or window film.

(o) The permit has been issued to a specified property owner and is not valid for any other person unless formally transferred. An applicant requesting transfer of the permit shall sign two copies of the permit transfer agreement form, agreeing to comply with all terms and conditions of the permit, and return both copies to the Department. The transfer request shall be provided on the form entitled "Permit Transfer Agreement" – DEP Form 73-103 (Revised 1/04), which is hereby adopted and incorporated by reference. No work shall proceed under the permit until the new owner has received a copy of the transfer agreement approved by the Department. A copy of the transfer agreement shall be displayed on the construction site along with the permit. An expired permit shall not be transferred.

(p) The permittee shall immediately inform the Department of any change of mailing address of the permittee and any authorized agent until all requirements of the permit are met.

(q) For permits involving major structures or activities, the permittee shall submit to the Department periodic progress reports on a monthly basis beginning at the start of construction and continuing until all work has been completed. If a permit involves either new armoring or major reconstruction of existing armoring, the reports shall be certified by an engineer licensed in the State of Florida. The permittee or engineer, as appropriate, shall certify that as of the date of each report all construction has been performed in compliance with the plans and project description approved as a part of the permit and with all conditions of the permit, or shall specify any deviation from the plans, project description, or conditions of the permit. The report shall also state the percent of completion of the project and each major individual component. The reports shall be provided to the Department using the form entitled "Periodic Progress Report" – DEP Form 73-111 (Revised 6/04), which is hereby adopted and incorporated by reference. Permits for minor structures or activities do not require submittal of periodic reports unless required by special permit condition.

(r) For permits involving habitable major structures, all construction on the permitted structure shall stop when the foundation pilings have been installed. At that time the foundation location form shall be submitted to and accepted by the Department prior to proceeding with further vertical construction above the foundation. The

form shall be signed by a professional surveyor, licensed pursuant to Chapter 472, F.S., and shall be based upon such surveys performed in accordance with Chapter 472, F.S., as are necessary to determine the actual configuration and dimensioned relationship of the installed pilings to the control line. The information shall be provided to the Department using the form entitled "Foundation Location Certification" – DEP Form 73-114B (Revised 9/05), which is hereby adopted and incorporated by reference. Phasing of foundation certifications is acceptable. The Department shall notify the permittee of approval or rejection of the form within seven (7) working days after staff receipt of the form. All survey information upon which the form is based shall be made available to the Department upon request. Permits for repairs or additions to existing structures with nonconforming foundations are exempt from this condition.

(s) For permits involving major structures, the permittee shall provide the Department with a report by an engineer or architect licensed in the State of Florida within thirty (30) days following completion of the work. The report shall state that all locations specified by the permit have been verified and that other construction and activities authorized by the permit have been performed in compliance with the plans and project description approved as a part of the permit and all conditions of the permit; or shall describe any deviations from the approved plans, project description, or permit conditions, and any work not performed. Such report shall not relieve the permittee of the provisions of paragraph 62B-33.0155(1)(a), F.A.C. If none of the permitted work is performed, the permittee shall inform the Department in writing no later than 30 days following expiration of the permit. The report shall be provided on the form entitled "Final Certification" DEP Form 73-115B (Revised 9/05), which is hereby adopted and incorporated by reference.

(t) Authorization for construction of armoring or other rigid coastal structures is based on an engineering review and assessment of the design and anticipated performance and impact of the structure as a complete unit. Construction of any less than the complete structure as approved by the Department is not authorized and shall result in the assessment of an administrative fine and the issuance of an order to remove the partially constructed structure. Modifications to the project size, location, or structural design shall be authorized by the Department in accordance with Rule 62B-33.013, F.A.C.

(2) The permittee shall not commence any excavation, construction, or other physical activity on or encroaching on the sovereignty land of Florida seaward of the mean high water line or, if established, the erosion control line until the permittee has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use.

(3) The permittee shall obtain any applicable licenses or permits required by Federal, state, county, or municipal law.

(4) This permit does not authorize trespass onto other property.

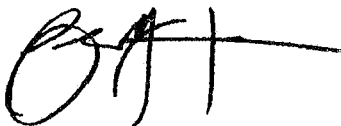
(5) In the event of a conflict between a general permit condition and a special permit condition, the special permit condition shall prevail.

(6) Copies of any forms referenced above can be obtained by writing to the Department of Environmental Protection, 2600 Blair Stone Road, MS 3522, Tallahassee, Florida 32399-2400, or by telephoning (850)245-8336.

Approved plans are incorporated into this permit by reference.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Celora Douse Jackson, Engineer IV
Coastal Construction Control Line Program

PERMITTEE: City of Miami Beach
PERMIT NUMBER: DA-729
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The petition must be filed (**received by the Clerk**) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with rule 62-110.106(3), Florida Administrative Code, petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3), Florida Statutes, must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205, Florida Administrative Code.

Extension of Time

Under rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to section 120.68, Florida Statutes, by filing a Notice of Appeal pursuant to rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

The Agency will not publish or require the person requesting a permit to publish in a newspaper a notice of receipt of the permit application or notice of Agency action granting or denying the permit.

Persons receiving a permit are advised that interested parties who become aware of Agency action approving or denying the permit, or who observe work on the project within certain time frames without any prior notice, may have rights to petition for an administrative hearing under Chapter 120, F.S. For this reason, it may be in the best interest of the person proposing the activity to publish, at its expense, a one-time "Notice of Permit Issuance" in a newspaper of general circulation in the county where the activity is located meeting the requirements of Chapter 50, F.S. Agency staff can provide persons with the information for such a notice upon request. Persons who are substantially affected by the proposed action may petition for an administrative hearing within the time frames specified in the notice and Chapter 120, F.S.

**SPECIAL EVENTS PERMIT CONDITIONS FOR MARINE TURTLE PROTECTION
for 2017 Miami Beach Air & Sea Show, Miami-Dade County**

The following conditions are required for the protection of marine turtles during the marine turtle nesting season. The nesting season is March 1 – October 31 in Brevard, Indian River, St. Lucie, Martin, Palm Beach, and Broward counties, and is May 1 – October 31 in all other coastal counties in Florida.

- 1) All structures proposed to be constructed in marine turtle nesting habitat and left out overnight shall have three (3) feet of vertical clearance beneath them, at least seven (7) feet of horizontal clearance between the supports where they meet the beach, and shall be located as far landward as possible. Any structures or materials not meeting these criteria must be removed by sundown each day **with the exception of the proposed fences, two tents without floors or contents and portable toilets that are to be located on the packed sand area near the vegetation line.** All staging shall be off the beach. Storage of event equipment and materials shall be off the beach or in the stationary trucks and trailers on the packed sand area near the vegetation line that are authorized in the permitted plans.
- 2) The use of heavy equipment is prohibited, and the use of street vehicles to transport event equipment is prohibited except on beaches where public beach driving is allowed by local ordinance. A lightweight, ATV-type vehicle with 10 p.s.i. or less ground-to-tire pressure may be used for equipment transport if allowed by local ordinance. Use of vehicles shall be minimized, and restricted to event set-up and break-down.
- 3) In order to place structures on the beach, surveys for marine turtle nesting activity must be ongoing, and have been conducted daily for 65 days previous to the event date or since the beginning of marine turtle nesting season in accordance with the following conditions:
 - a) All nesting surveys shall be conducted by qualified persons who hold a valid marine turtle permit issued by the Florida Fish and Wildlife Conservation Commission (FWC) pursuant to Florida Administrative Code Rule 68E-1. No materials or equipment may be set up on the beach until the applicant has coordinated with the marine turtle permit holder.
 - b) It is the responsibility of the permittee to ensure that the project area and access sites are surveyed daily for marine turtle nesting activity and all nests occurring in the project area are marked for protection. The permittee must arrange for a Marine Turtle Permit Holder who is duly authorized to conduct activities on the beach through a valid permit issued by the FWC, pursuant to 68E-1, F.A.C., to conduct all nesting surveys and nest protection work and shall convey the following requirements to the Marine Turtle Permit Holder who has agreed to conduct nest marking for this activity.

**SPECIAL EVENTS PERMIT CONDITIONS FOR MARINE TURTLE PROTECTION
for 2017 Miami Beach Air & Sea Show, Miami-Dade County**

- c) Nest surveys shall be conducted daily between sunrise and 9 a.m. during marine turtle nesting season. No activity shall occur in any location prior to completion of the necessary marine turtle nest survey and protection measures.
 - d) Nests deposited within the event area shall be marked and left in place unless natural factors threaten the success of the nest. Any nests left in the event area shall be clearly marked. A circle with a radius of ten (10) feet, centered at the clutch, shall be marked by stake and survey tape or string. No activities shall enter this circle and no adjacent activities shall be allowed which might directly or indirectly disturb the area within the staked circle. During marine turtle hatching season (July 1 - October 31), no structures or materials which could impede the progress of turtle hatchlings may remain seaward of a nest overnight
- 4) No lighting associated with the event is authorized after 9:00 p.m. during the marine turtle nesting season.
 - 5) No water from the structure or event area shall be allowed to run onto the beach where it could impact adjacent sea turtle nests.
 - 6) In the event an unmarked marine turtle nest is exposed, or a dead, injured, or sick marine turtle is discovered during the event, the marine turtle permit holder shall be notified immediately such that appropriate conservation measures can be taken. Within 24 hours of any such occurrence, a report of the incident shall be sent to the FWC Imperiled Species Management Section at MarineTurtle@myfwc.com.
 - 7) The permittee shall not disturb existing beach and dune topography and vegetation. No excavation of sand landward of the mean high water line is permitted. Any temporary minor disturbances in the sand (including ruts, depressions, holes, or mounds) shall be filled in and raked smooth with hand tools each evening.