

ORDINANCE NO. _____

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, ENTITLED "ARTS, CULTURE AND ENTERTAINMENT," BY AMENDING ARTICLE III, ENTITLED "CITY SPONSORSHIP OF EVENTS," BY AMENDING SECTION 12-6, ENTITLED "DEFINITIONS," TO AMEND THE DEFINITION OF "SPONSORSHIP" AND "SPONSORSHIP CONTRACT"; AND BY AMENDING SECTION 12-9, ENTITLED "SPONSORSHIP TERMS AND CONDITIONS," TO AMEND CERTAIN PROVISIONS APPLICABLE TO CITY SPONSORSHIP OF SPECIAL EVENTS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on February 14, 2018, the Mayor and City Commission adopted Ordinance No. 2018-4171, amending Chapter 12 of the City Code, entitled "Arts, Culture and Entertainment," to create Article III, entitled "City sponsorship of events," to (i) establish criteria and requirements for approval of City sponsorship for certain events, (ii) establish requirements for approval of sponsorship requests from advisory boards or advisory committees, and (iii) provide certain minimum terms and conditions for sponsorship contracts; and

WHEREAS, on June 8, 2018, the City's Finance and Citywide Projects Committee ("Committee") recommended that only those waivers of special event fees valued at \$25,000 or greater should require review by the Committee; and

WHEREAS, this Ordinance amends Article III of Chapter 12 of the City Code, in order to provide that the provisions of this Article shall only apply to waivers of special event fees, square footage fees, administrative fees, or user fees, if the aggregate amount of such waivers is equal to or greater than \$25,000; and

WHEREAS, additionally, the Ordinance clarifies that any sponsorship approved pursuant to Article III must be memorialized in a sponsorship contract.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1.

That Chapter 12 of the Code of the City of Miami Beach is hereby amended as follows:

**Chapter 12
ARTS, CULTURE, AND ENTERTAINMENT**

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ARTICLE III. - CITY SPONSORSHIP OF EVENTS

Sec. 12-6. - Definitions.

For purposes of this article, the following definitions shall apply:

City costs means the actual costs incurred by the city to provide police, fire, ocean rescue, sanitation, emergency management, parking, and transportation services to support an event.

Event means any event, program or activity produced by a third-party organizer (whether such organizer is a for-profit or not-for-profit entity) including, without limitation:

- (i) Events requiring a City of Miami Beach special events permit pursuant to section 12-5 of the city Code;
- (ii) Events taking place in the City of Miami Beach that do not require a city special event permit, including, without limitation, theatrical or live performances or cultural programming at any venue located in the City of Miami Beach; and
- (iii) sporting or recreational events taking place within the City of Miami Beach.

For purposes of requests for funding pursuant to section 12-8 of this article, an event shall also be deemed to include any program, event or activity of any kind, for which a city advisory board or advisory committee has requested funding or a waiver of permit fees or user fees.

Sponsorship or sponsorship contract means any contract, grant, or commitment made by the City of Miami Beach, to underwrite or fund any portion of, or otherwise provide financial support to, an event, either through a city cash contribution; in-kind contribution; waiver of City of Miami Beach special event permit fees, square footage fees, administrative fees, or user fees of any kind, if the aggregate amount of such waivers is equal to or greater than \$25,000; or reimbursement for city costs, including arrangements by which the city may receive promotional, marketing, or other benefits in connection with the event, in consideration for the city's cash contribution, in-kind contribution, or other financial support for the event.

Sec. 12-7. - Requirements for city sponsorship of events.

- (a) Requests for city sponsorship of an event shall only be considered through the city commission's annual budget process, pursuant to section 5.02 of the city Charter, or through applications for grants funded by the Miami Beach Visitor and Convention Authority or the city's cultural arts council.
- (b) Except for sponsorships approved pursuant to section 12-7(a) of this article, any other request for city sponsorship of an event shall require:
 - (1) An advisory recommendation of the finance and citywide projects committee; and
 - (2) Approval, by a five-sevenths vote, of the city commission.
- (c) In considering approval of a sponsorship for an event, the city commission may consider:

- (1) Whether the event organizer has exercised good-faith diligent efforts to apply for grant funding that may be available from the city's visitor and convention authority or cultural arts council;
- (2) The event organizer's history and performance in delivering quality events;
- (3) Any benefits being directly provided to the general public with respect to the event, such as free or discounted tickets to persons residing in the City of Miami Beach, seniors, veterans, or members of disadvantaged groups;
- (4) Whether the event is accessible to the general public (either as a ticketed event or otherwise);
- (5) The demonstrable economic impacts associated with the event;
- (6) The demonstrable media commitments secured by the event organizer for the event; or
- (7) The efforts undertaken by the event organizer to mitigate any quality of life impacts associated with the event, including noise, littering, traffic, or parking impacts associated with an event.

Sec. 12-8. - Sponsorship requests by advisory boards or advisory committees.

Requests by a city advisory board or advisory committee for sponsorship of an event shall only be considered through the annual budget process pursuant to section 5.02 of the city Charter. Except for requests for funding approved as part of the city's annual budget process, any other advisory board or advisory committee request for sponsorship of an event shall require:

- (1) An advisory recommendation of the finance and citywide projects committee; and
- (2) Approval by a five-sevenths vote of the city commission.

Sec. 12-9. - Sponsorship terms and conditions.

- (a) In no event shall any sponsorship contract provide for a waiver of city costs.
- (b) ~~All sponsorship contracts~~ Any sponsorship approved pursuant to this article shall be memorialized in a sponsorship contract, which shall, at a minimum, include the following provisions:
 - (1) That the event organizer shall provide a final report to the city, which report shall include third-party verification of event outcomes including, without limitation, event attendance figures, media impressions generated by the event, and number of City of Miami Beach room nights generated by the event.
 - (2) That no more than fifteen percent of any city cash sponsorship contribution may be made in advance of the event, with all remaining cash contributions to be made on a

reimbursement basis, following the conclusion of the event and submission of the final report referenced in subsection (b)(1) herein;

- (3) That the event organizer shall comply with all governmental requirements and laws applicable to the conduct of its business and the production of the event;
- (4) That the city shall have the right to audit the event organizer's compliance with the sponsorship contract and performance thereunder, in accordance with generally accepted accounting principles; and
- (5) That the city shall receive sponsorship recognition, on all media or promotional platforms related to the event, at the same sponsorship level as other sponsors providing financial or other support comparable to the city's sponsorship.

Sec. 12-10. - Applicability.

The requirements of this article shall not apply to any of the following:

- (a) Any sponsorship contract with a governmental entity;
- (b) Film incentives;
- (c) Any city-produced or city-organized programs, events, or activities; or
- (d) Any executed sponsorship contracts which existed prior to October 1, 2018; provided, however, that unless such events are exempt pursuant to section 12-10(a) through (c) above, the requirements of this article shall apply to such events upon the expiration of the sponsorship contract which existed prior to October 1, 2018 (including any renewal periods thereof).

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

