

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 102 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "TAXATION," BY AMENDING ARTICLE V, ENTITLED "LOCAL BUSINESS TAX," BY AMENDING SECTION 102-360 THEREOF, ENTITLED "BUSINESS TAX RECEIPT DURATION AND EXPIRATION DATE," TO ESTABLISH A PROHIBITION ON THE ISSUANCE OF BUSINESS TAX RECEIPTS TO PROMOTERS DURING CERTAIN HOLIDAY PERIODS AND HIGH IMPACT EVENTS; AND FURTHER ESTABLISHING THE SUSPENSION, DURING CERTAIN HOLIDAY PERIODS AND HIGH IMPACT EVENTS, OF THOSE ANNUAL BUSINESS TAX RECEIPTS ISSUED TO PROMOTERS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach is an internationally renowned tourist destination that is famous for its beaches, shopping and entertainment, which are among the best in the world; and

WHEREAS, due to its domestic and international popularity as a resort and entertainment destination, many events, both authorized by City permits and otherwise, occur within the City; and

WHEREAS, many of the events that take place during holiday weekends, Spring Break, and other "high impact events" (as such term is defined in Section 82-443(a) of the City Code), are the result of promoters of dance and entertainment events, which occur on the premises of those businesses that are licensed to serve alcoholic beverages; and

WHEREAS, the increasingly large number of individuals attending these events has strained the City's resources and has caused numerous law enforcement issues and other challenges for the City; and

WHEREAS, oftentimes the promoters of dance and entertainment events attract patrons who are underage, engage in disorderly conduct, or violate the occupancy limit of the alcoholic beverage establishment; and

WHEREAS, dance and entertainment events create excessive noise, thereby disturbing neighborhoods and negatively impacting nearby businesses and residents; and

WHEREAS, promoted dance and entertainment events directly cause severe congestion and overcrowding upon the City's streets, and these promoted events result in excessive litter from flyers, handbills, and other debris; and

WHEREAS, the Mayor and City Commission desire to adopt the following amendment, to address those problems and concerns caused by promoters of dance and entertainment events, which occur on holiday weekends, Spring Break, and other high impact events, and adversely affect the public health, safety and welfare.

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

SECTION 1. That Article V of Chapter 102 of the Code of the City Miami Beach is hereby amended as follows:

CHAPTER 102

TAXATION

* * *

ARTICLE V. LOCAL BUSINESS TAX

* * *

Sec. 102-360. Business tax receipt duration and expiration date.

Each business tax receipt shall be valid for one year. Tax receipts shall be issued beginning October 1 of each year and shall expire on September 30 of the following year. Notwithstanding the foregoing, or any other section in this chapter to the contrary:

- (1) Business tax receipts for promoters may be issued for a single dance or entertainment event.
- (2) No business tax receipt shall be issued to a promoter for any event if such event is to occur during the period commencing at 11:59 p.m. on the Thursday preceding the holidays of Memorial Day, Fourth of July, Labor Day, or Columbus Day, and continuing until 11:59 p.m. on Monday, provided that the observed date for the holiday is a Friday, Saturday, Sunday or Monday.
- (3) No business tax receipt shall be issued to a promoter for any event if such event is to occur during a high impact event, as designated by the City Manager pursuant to Section 82-443 of the City Code.
- (4) All annual business tax receipts issued to promoters shall be suspended during those holiday periods and high impact events, as identified in subsections (2) and (3).
- (5) For purposes of compliance and enforcement of this section, the term "promoter" shall include the definition set forth in Section 102-356, and further include any person or entity that is hired by the alcoholic beverage establishment to distribute, mail or otherwise disseminate any invitation, flyer, poster, handbill or other marketing material in connection with a dance or entertainment event to occur on the premises of a business that is licensed to serve alcoholic beverages.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same 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 Code of the City of Miami Beach, Florida. 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.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2019.

PASSED AND ADOPTED this _____ day of _____, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Mayor Dan Gelber)

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Raul C. Givill 4/4/19
City Attorney Date
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