

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAFAEL A. PAZ, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR DAN GELBER Second Reading/Public Hearing
MEMBERS OF THE CITY COMMISSION

FROM: RAFAEL A. PAZ, CITY ATTORNEY 

DATE: DECEMBER 8, 2021

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," BY CREATING NEW SUBSECTION (9), WHICH WILL REQUIRE CERTAIN ALCOHOLIC BEVERAGE ESTABLISHMENTS POSSESSING A LICENSE TO SELL AND/OR SERVE ALCOHOLIC BEVERAGES IN THE CITY UNTIL 5 A.M. ("ALCOHOL LICENSE"), TO PROVIDE WRITTEN NOTIFICATION TO THE CHIEF OF POLICE OR DESIGNEE REGARDING ANY PROMOTED EVENT OR CONCERT THAT WILL HAVE A LIVE MUSICAL PERFORMANCE OR ENTERTAINMENT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

SUPPLEMENTAL COMMISSION MEMORANDUM:

After the regular agenda was published on Wednesday, December 1, 2021, the Police Chief, the City Attorney's Office, and Commissioner Samuelian, the sponsor of this item, have continued to refine the proposed Ordinance.

An updated Ordinance is attached to this Supplemental Memorandum for the City Commission's consideration, replacing the version which appears as part of the Regular Agenda.

The revisions to the proposed Ordinance are merely intended to narrowly tailor the applicability of the Ordinance, so that the 96 hour written notification requirement for promoted events would

only apply to establishments that meet all of the following criteria:

1. A license to sell and/or serve alcoholic beverages until 5:00 a.m.; and
2. A dance hall designation on its business tax receipt; and
3. A total maximum legal occupant content greater than 350 persons.

As reflected in the Commission Memorandum for this agenda item (page 653 of the Agenda), this Ordinance merely imposes a 96 hour written notification requirement of covered events, to provide the Police Department with basic information concerning the events, and the opportunity to allocate resources as may be necessary to support the events and provide for public order and public safety.

RAP/RFR/MAF/bs