

MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine
Members of the City Commission

cc: Jimmy L. Morales
City Manager

FROM: Raul J. Aguila
City Attorney



DATE: March 1, 2017

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, "PERMIT," BY AMENDING SECTION 82-385, ENTITLED "MINIMUM STANDARDS, CRITERIA, AND CONDITIONS FOR OPERATION OF SIDEWALK CAFES," TO REQUIRE MANAGERS AND SIDEWALK CAFE EMPLOYEES OF SIDEWALK CAFE PERMITTEES ON OCEAN DRIVE BETWEEN 5TH STREET AND 15TH STREET TO SUCCESSFULLY COMPLETE A HOSPITALITY TRAINING PROGRAM THAT HAS BEEN PREVIOUSLY APPROVED BY RESOLUTION OF THE MAYOR AND CITY COMMISSION; AND AMENDING SECTION 82-382, ENTITLED "APPLICATION," TO REQUIRE APPLICANTS AND PERMITTEES FOR SIDEWALK CAFES ON OCEAN DRIVE BETWEEN 5TH STREET AND 15TH STREET TO SUBMIT, ON AN ANNUAL BASIS, AN AFFIDAVIT OF SATISFACTORY COMPLETION OF THE HOSPITALITY TRAINING REQUIREMENT SET FORTH HEREIN; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

1. Introduction

The attached Ordinance sponsored by Commissioner Ricky Arriola is hereby submitted for consideration by the Mayor and City Commission. On September 27, 2016, the Mayor and City Commission adopted Resolution No. 2016-29590, approving a 10-Point Plan for Ocean Drive. Point 4(F) of the 10-Point Plan requires Ocean Drive sidewalk cafe employees to undergo hospitality training. The attached proposed Ordinance amends the Sidewalk Cafe Ordinance to codify the hospitality training requirement proposed in the 10-Point Plan.

2. Proposed hospitality training requirement

The Ordinance amends City Code Section 82-385, entitled "Minimum standards, criteria, and conditions for operations of sidewalk cafes," to require every manager and every employee assigned to work in a sidewalk cafe on Ocean Drive to successfully complete a hospitality

training program that has been previously approved by Resolution of the Mayor and City Commission. Sidewalk cafe permittees must maintain records evidencing their compliance with this new requirement.

The Ordinance also amends the City's sidewalk cafe permit application requirements, set forth in City Code Section 82-382, to require that applicants for sidewalk cafe permits on Ocean Drive (including sidewalk cafe permittees applying to renew their permits) submit an affidavit certifying the following:

- (i) every manager and every employee assigned to work in the sidewalk cafe permit area has successfully completed a hospitality training program that has been previously approved by Resolution of the Mayor and City Commission; and
- (ii) any newly hired manager or employee assigned to work in the sidewalk cafe permit area must successfully complete such a hospitality training program.

3. Enforcement

The hospitality training requirement may be enforced against both (i) permit applicants, and (ii) existing permittees, once the Fiscal Year 2017 permits are issued. As to sidewalk cafe permit applicants, no permit shall issue until an applicant submits the required affidavit. As to existing permittees (once the Fiscal Year 2017 permits are issued), violations of the hospitality training requirement will be subject to the enforcement and penalty provisions in City Code Sections 82-369 through -373.