

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO AMEND THE OUTDOOR DINING CONCESSION AGREEMENTS WITH SELECTED RESTAURANTEURS FOR THE CONTRACT TERM COMMENCING OCTOBER 1, 2025, TO INCLUDE A NEW CONTRACTUAL TERM IN THE CONCESSION AGREEMENT TEMPLATE WHEREIN THE CONCESSIONAIRE VOLUNTARILY AGREES NOT TO ALLOW THE SMOKING OF CIGARETTES ANYWHERE IN THE CONCESSION AREA.**

**WHEREAS**, the City Commission, at its June 9, 2022 meeting, passed Resolution No. 2022-32205 and created, solely in the City's proprietary capacity and not in furtherance of any regulatory function, an Outdoor Dining Concession Agreement Program ("the Program") for selected restaurants with brick-and-mortar facilities and inside seating to offer food and beverage services on the rights-of-way abutting the physical establishment; and

**WHEREAS**, the Program was established to serve the valid public purpose of enhancing the City's iconic brand by ensuring high-quality outdoor food and beverage service on City property while providing residents and visitors with a world-class dining experience; and

**WHEREAS**, the concessionaires in this Program include only the best restaurants in the City, selected at the City Manager's sole discretion, to offer outdoor café dining in public rights-of-way adjacent to their establishments; and

**WHEREAS**, cigarette smoking at outdoor dining concession areas is not consistent with the purposes served by the creation of the Program; and

**WHEREAS**, the Mayor and City Commission, therefore, desire to add an amendment to the outdoor dining concession agreements with selected restauranteurs for the contract term commencing October 1, 2025, to include a new contractual term wherein the concessionaire voluntarily agrees not to allow the smoking of cigarettes anywhere in the concession area.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby authorize and direct the City Manager to amend the outdoor dining concession agreements with selected restauranteurs for the contract term commencing October 1, 2025, to include a new contractual term in the concession agreement template wherein the concessionaire voluntarily agrees not to allow the smoking of cigarettes anywhere in the concession area.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2025.

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner David Suarez)

\_\_\_\_\_  
Mayor Steven Meiner

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney RR

6/12/2025  
Date