

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: December 11, 2024 9:55 a.m. Second Reading Public Hearing

TITLE: 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 12-9 THEREOF, ENTITLED "SPONSORSHIP TERMS AND CONDITIONS" TO ALLOW FOR A LARGER ADVANCE OF ANY CITY CASH SPONSORSHIP CONTRIBUTION MADE IN ADVANCE OF THE EVENT IF (A) THE EVENT ORGANIZER CAN ESTABLISH THAT LIMITING THE ADVANCE TO FIFTEEN PERCENT (15%) WOULD CAUSE AND UNDUE HARDSHIP, (B) THE EVENT ORGANIZER IS A MIAMI BEACH-BASED NON-PROFIT ORGANIZATION, (C) THE EVENT ORGANIZER HAS PRODUCED THE EVENT IN QUESTION FOR AT LEAST FIVE (5) YEARS, AND (D) THE EVENT BUDGET IS NOT GREATER THAN \$500,000; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

At the request of Commissioner Alex Fernandez, the attached Ordinance has been placed on the City Commission meeting agenda for first reading.

Currently, section 12-9 of the City Code provides that no more than 15 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 12-9(b)(1). This limitation can cause hardship to event organizers who rely on the City's sponsorship dollars to pay advances to artists or production companies that supply sound, light, staging and other equipment. In addition to the payment of advances, artist agreements typically require the event organizer to pay the balance in full at the conclusion of the artist's performance.

The proposed ordinance would amend Section 12-9 to allow for a larger advance if (a) the event organizer can establish that limiting the advance to only fifteen percent would create an undue hardship due to contractual obligations to pay artists and production companies that provide sound, light, staging and other production equipment advances and/or payments that are due immediately upon the conclusion of the event, (b) the event organizer is a Miami Beach-based non-profit organization, (c) the event organizer has produced the event in question for at least five

(5) years, and (d) the event budget is not greater than \$500,000. The amount of such larger advance, and the applicable conditions, shall be determined by the city manager (or designee).

### **FISCAL IMPACT STATEMENT**

N/A

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 11/27/2024  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

### **CONCLUSION**

#### **Applicable Area**

Citywide

**Is this a “Residents Right to Know” item,  
pursuant to City Code Section 2-17?**

No

**Is this item related to a G.O. Bond  
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,  
includes a principal engaged in lobbying?**

If so, specify the name of lobbyist(s) and principal(s):

#### **Department**

City Attorney

#### **Sponsor(s)**

Commissioner Alex Fernandez

#### **Co-sponsor(s)**

#### **Condensed Title**

9:55 a.m. 2<sup>nd</sup> Rdg, Allow Larger Advances Sponsorship Contributions. (Fernandez) CA