

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: February 26, 2025 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 6 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ALCOHOLIC BEVERAGES," ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," BY AMENDING SUBSECTION (a)(9) THEREOF, TO UPDATE THE REQUIREMENTS OF THIS SUBSECTION; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The attached ordinance is presented to the Mayor and City Commission for its consideration on first reading by the sponsor, Vice Mayor Tanya K. Bhatt.

City Code Section 6-3(a)(9) currently requires larger alcoholic beverage establishments provide to the Miami Beach Police Department a minimum 96 hour notification of any promoted event at the larger alcoholic beverage establishments with a total maximum legal occupant content greater than 350 persons in order to assist the Police Department in preparing for promoted events, deploying appropriate police resources, and ameliorating a portion of that behavior and conduct exhibited by intoxicated individuals, which implicates and threatens the safety, security and welfare of the City's residents, visitors and businesses.

"Special appearances" and "drop-in/pop-up" appearances by performers or other celebrities known and/or promoted by larger alcoholic beverage establishments can also cause the negative impacts to our City that Section 6-3(a)(9) was intended to address, but the current version of this City Code provision does not cover these situations.

If adopted, the following amendments will directly address, and hopefully alleviate, those problems and issues that are caused, directly and indirectly, by "special appearances" and "drop-in/pop-up" appearances by performers or other celebrities known and/or promoted by larger alcoholic beverage establishments.

SECOND READING

Between first and second reading, the sponsor considered the City Commission discussion at first reading, and amended the proposed ordinance to (1) more clearly delineate when an

establishment must send notice to the City and (2) to reduce the maximum occupancy load for regulated alcoholic beverage establishments from 350 to 250.

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: 2/11/2025

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? No

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

Department

City Attorney

Sponsor(s)

Commissioner Tanya K. Bhatt

Co-sponsor(s)

Condensed Title

9:55 a.m. 2nd Rdg, Ch. 6, Alcoholic Beverages - Update Requirements. (Bhatt) CA

Previous Action (For City Clerk Use Only)