

R5 I 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.

Applicable Area:

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)

ORDINANCE NO. _____

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.

WHEREAS, the City of Miami Beach is an internationally renowned tourist destination; and

WHEREAS, due to its domestic and international popularity as a resort and entertainment destination, many promoted events or concerts, both authorized by City special event permits and otherwise, occur within the City; and

WHEREAS, dance and other entertainment events that take place at alcoholic beverage establishments during peak periods (which periods may include, but are not limited to, New Year's Eve, Super Bowl Weekend, Spring Break, Gay Pride, Memorial Day Weekend, and Fourth of July), along with most other days and weekends throughout the year, attract a tremendous number of visitors to the City; and

WHEREAS, throughout the City there are various alcoholic beverage establishments that are legally permitted to sell or serve alcoholic beverages until 5:00 a.m., and have directly promoted live musical events, live entertainment, concerts, or performances ("promoted events"); and

WHEREAS, promoted events at alcoholic beverage establishments attract large crowds to the City, challenging the public safety and quality of life in the City's residential neighborhoods; placing an enormous strain upon the City's resources; and causing numerous law enforcement issues and logistical challenges for the City; and

WHEREAS, prior to the commencement of these promoted events, the City's police department works to validate the event and obtain specific information about the promoted event in order to take all necessary measures needed to mitigate potential issues or impacts such as traffic, crowd control, street closures during these time periods; and

WHEREAS, promoted events take place throughout a multitude of venues in the entertainment district and other areas of the City nearly every night; and, again, the majority are the direct result of promoted events that attract a large number of individuals; and

WHEREAS, the event promoter industry has been radically transformed over the

last decade through the utilization of the internet and other forms of social media, which enable establishments and event promoters to reach masses of people and attract ever-larger crowds to these promoted events; and

WHEREAS, promoted events are advertised and marketed on social media to the "college age" and "twenty-something" demographic, but also have the effect of luring and enticing younger, underage patrons; and

WHEREAS, the allure of promoted events may also result in facilitating and encouraging illegal behavior such as underage drinking, engaging in disorderly conduct, violating the occupancy limits of these alcoholic beverage establishments, and other conduct and disturbances creating a danger to the health, safety, and welfare of the public; and

WHEREAS, promoted events cause excessive noise and increased traffic (both vehicular and pedestrian congestion), thereby directly disturbing the quality of life in the surrounding neighborhoods, and negatively impacting nearby businesses and residents; and

WHEREAS, promoted events also result in excessive litter on City streets and surrounding commercial and residential common areas, from flyers, handbills, liquor bottles and cans, empty cups and straws, used drug paraphernalia, and other debris; and

WHEREAS, the associated overflowing of crowds upon the public streets and right of ways disturbs the tranquility and order of the surrounding areas (i.e., both business and residential); and

WHEREAS, the City's Police Department must be able to contend with the influx of these additional persons for promoted events, and is dedicated to the protection of the City and all its residents, visitors and businesses; and

WHEREAS, 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; and

WHEREAS, "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; and

WHEREAS, the Mayor and City Commission desire to adopt the following amendments, to 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.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That those Sections of the City's Alcoholic Beverages Ordinance, as such Ordinance is codified in Section 6-3 of the City Code, be amended as follows and as hereinafter set forth below:

CHAPTER 6
ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

* * *

Sec. 6-3. Hours of sale/violations.

- (a) The hours of sale of alcoholic beverages, whether as a permitted main or accessory use, shall require a state license, and shall be according to the following schedule:

* * *

(9) Disclosure Requirements for Alcoholic Beverage Establishments. Any qualifying alcoholic beverage establishment in the City, which has a promoted event or concert, must provide the Police Chief or designee with written notification as to the following:

- A. The date(s) of the promoted event or concert;
- B. The name of all performer(s) or entertainer(s);
- C. The name and contact information of the person or entity who is promoting the event or concert;
- D. The number of tickets sold for the promoted event or concert; and
- E. The security plan for the promoted event or concert, which must include the number of private security personnel to be utilized at the event or concert, and any request(s) for MBPD off-duty police.

The written notification required pursuant to this subsection must be remitted to the Police Chief or designee at least ninety-six (96) hours prior to the promoted event or concert, unless such promoted event or concert is first booked within later than ninety-six (96) hours of its commencement, in which case written notification must be ~~immediately~~ remitted to the Police Chief or designee. ~~prior to the advertisement or marketing of the promoted event or concert.~~ (1) within eight (8) hours from the time of booking the

promoted event or concert; (2) within eight (8) hours from the time any advertising or marketing is purchased or ordered for the event; (3) within eight (8) hours from the first time of any advertisement or marketing of the event or performance by any party; or (4) no less than eight (8) hours before any promoted event or concert begins (whichever is earliest).

A single written notification of a recurring promoted event or concert, which is provided in compliance with the disclosure requirements set forth herein, shall be deemed to satisfy this subsection. Notwithstanding the foregoing, another written notification (consistent with the disclosure requirements set forth herein) shall be required each time an alternative or different entertainer is advertised or marketed to perform at any such recurring promoted event or concert.

For purposes of this subsection, qualifying alcoholic beverage establishment shall mean each alcoholic beverage establishment in the City having:

- 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~~ 250 persons.

For purposes of this subsection, promoted event or concert shall mean any live musical performance or live entertainment in which an entertainer is advertised or marketed to perform at an alcoholic beverage establishment or where any performer or other celebrity is scheduled or known advertised or marketed by anyone to be making a "special appearance" (or the like) or to appear at the venue as a "drop-in" or "pop-up" (or the like).

F. Penalties. The following penalties shall be imposed for a violation of this subsection:

1. The penalty for the first violation by a person or entity within a 12-month period shall be a civil fine of \$1,000.00;

2. The penalty for the second or subsequent violation by a person or entity within a 12-month period shall be a civil fine of \$5,000.00;

~~3. The penalty for the third violation by a person or entity within a 12-month period shall be a civil fine of \$5,000.00, and closure of the alcoholic beverage establishment for a 14-day period;~~

~~4. After a person or entity receives 4 or more unchallenged or upheld violations of this subsection within a 12-month period, the city may initiate proceedings to revoke the certificate of use, business tax receipt, or certificate of occupancy of the violator, and deem the alcoholic beverage establishment to be a habitual offender.~~

3. The penalty shall be \$15,000 per violation if the special magistrate finds the violation to be irreparable or irreversible in nature. For purposes of this

subsection, a violation shall be irreparable or irreversible in nature if the promoted event or concert, special appearance, "special appearance" (or the like), or "drop-in" or "pop-up" appearance (or the like) has already begun or occurred.

4. After a person or entity receives 3 or more unchallenged or upheld violations of this subsection within a 12-month period, the city may initiate proceedings to revoke the certificate of use, business tax receipt, or certificate of occupancy of the violator, and deem the alcoholic beverage establishment to be a habitual offender.

* * *

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2025

PASSED AND ADOPTED this ____ day of _____, 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Vice Mayor Takya K. Bhatt)


Underline denotes additions

~~Strikethrough~~ denotes deletions

Double Underline denotes additions after First Reading

~~Double Strikethrough~~ denotes deletions after First Reading

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2/14/2025

Date