

C7 Q A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A ONE-TIME ADDITIONAL SPECIAL EVENT SPONSORSHIP FOR THE OCEAN DRIVE ASSOCIATION JULY 4, 2025, EVENT FIREWORKS DISPLAY FUNDING GAP IN AN AMOUNT UP TO \$50,000; AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE SPONSORSHIP AGREEMENT RELATED TO THE APPROVED FUNDING.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: May 21, 2025

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A ONE-TIME ADDITIONAL SPECIAL EVENT SPONSORSHIP FOR THE OCEAN DRIVE ASSOCIATION JULY 4, 2025, EVENT FIREWORKS DISPLAY FUNDING GAP IN AN AMOUNT UP TO \$50,000; AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE SPONSORSHIP AGREEMENT RELATED TO THE APPROVED FUNDING.

RECOMMENDATION

The Administration remains committed to the continued partnership with Ocean Drive Association's annual fireworks activations during Independence Day and recommends a one-time special event sponsorship funding for the offshore barge fireworks for the 2025 Ocean Drive Independence Day fireworks activation.

BACKGROUND/HISTORY

For over a decade, the Ocean Drive Association (ODA), in partnership with the City of Miami Beach, has hosted its annual Independence Day fireworks on the Lummus Park beachfront. In the last few years, the ODA added an additional element to the Independence Day fireworks celebration with a patriotic concert on Ocean Drive and 12 Street, with an orchestra performance by the Miami Beach Classical Music Festival.

As part of the partnership, the City provides special event sponsorship to the ODA in the amount of \$50,000 in matching funds for fireworks displays for Independence Day and New Year's Eve.

ANALYSIS

On September 6, 2006, the City Commission adopted the City's Turtle Nesting Protection Ordinance No. 2006-3525 to create a framework for the City to protect native sea turtles by minimizing beachfront lighting. Artificial night-time lighting directly affects and disorients adult sea turtles and hatchlings resulting in losses in turtle populations. The sea turtle nesting season is from April 1 through October 31 in the City of Miami Beach. Each year, the City refines its procedures to prepare for the upcoming nesting season.

In Fall of 2024, the Environment and Sustainability department launched the "Flip the Switch" campaign to increase awareness and compliance of turtle-friendly lighting and reduce the damaging effects of artificial light on sea turtles.

On October 30, 2024, the Mayor and City Commission adopted an amendment to the Turtle Nesting Protection Ordinance No. 2024-4652 (Exhibit A) to further reduce the damaging impacts of artificial light on the native sea turtle population by integrating Florida Fish and Wildlife Conservation Commission recommendations. Among the recommendations to the Ordinance,

Sec. 46-203. Prohibited activities disruptive to marine turtles were amended to allow fireworks display during turtle season only occurring from offshore barges as depicted below:

Sec. 46- 203. Prohibited activities disruptive to marine turtles. a) [Prohibited generally.] The following activities involving direct illumination of portions of the beach are prohibited on the beach at nighttime during the nesting season for the protection of nesting marine turtle females, nests and hatchlings: 1) The operation of all motorized vehicles, except emergency and law enforcement, or beach maintenance vehicles or those permitted on the beach for marine turtles' conservation and/ or research. Whenever possible, authorized vehicles used on the beach at night shall have red or amber filters covering the headlights. 2) The building of campfires or bonfires. 3) Fireworks displays, except those that occur from offshore barges that have a permit from the Fire Department and City special event permits and a Florida Department of Environmental Protection (" DEP") permit or exemption.

On April 17, 2025, the Ocean Drive Association (ODA) sent a letter to the City Manager (Exhibit B) stating their awareness of the Ordinance precluding fireworks on the beachfront during turtle nesting season; only fireworks on barges would be approved. The ODA shared that securing an offshore barge would be cost prohibitive and asked if the City would fund the full cost of the fireworks activation.

In addition, the ODA shared a fully executed agreement from Explosive Touch Enterprises (Exhibit C) a fireworks vendor which includes the cost of an offshore barge in the total amount of \$100,000.

ODA Offshore Barge Fireworks Cost:

Fireworks Display & Barge	\$100,000
Less Current City Sponsorship	\$ 25,000
Less ODA Matching Funds	<u>\$ 25,000</u>
Variance	\$ 50,000

FISCAL IMPACT STATEMENT

Additional special event one time sponsorship for the Ocean Drive Association's 2025 Independence Day Fireworks Display in an amount of up to \$50,000. Future requests must be vetted through the FY2026 capital budget process.

Does this Ordinance require a Business Impact Estimate?

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

The Administration remains committed to the continued partnership with Ocean Drive Association's annual fireworks activations during Independence Day and recommends a one-time special event sponsorship funding in an amount up to \$50,000, including the offshore barge, for the 2025 Ocean Drive Independence Day fireworks activation. Any funding for future fireworks

displays that require barges must be separately requested and discussed during the 2026 budget process.

Applicable Area

South Beach

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

No

Click or tap here to enter text.

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

Tourism and Culture

Sponsor(s)

Co-sponsor(s)

Condensed Title

Approve Additional Sponsorship for Ocean Drive Association July 4 Fireworks Funding Gap. TC

Previous Action (For City Clerk Use Only)

ORDINANCE NO. 2024-4652

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE MIAMI BEACH CITY CODE, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE V, ENTITLED "TURTLE NESTING PROTECTION ORDINANCE," BY AMENDING SECTIONS 46-202, AND 46-203 THEREOF TO STRENGTHEN AND CLARIFY THE PROVISIONS OF THE EXISTING ORDINANCE AND INCLUDE RECOMMENDED MODIFICATIONS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION ("FWC"); AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the beach along the Atlantic Ocean, within the boundaries of the City of Miami Beach, is utilized by federally and state protected sea turtles for nesting; and

WHEREAS, sea turtle nesting season in the State of Florida occurs between May 1 and October 31; however, sea turtle nesting begins on April 1st in the City of Miami Beach to account for the earlier Leatherback nesting season; and

WHEREAS, artificial night-time lighting directly affects and disorients adult sea turtles and hatchlings resulting in losses in turtle populations; and

WHEREAS, in 2006, the City Commission passed and adopted the City's Turtle Nesting Protection Ordinance No. 2006-3525, set forth in Chapter 46 of the City Code; and

WHEREAS, the Ordinance created a framework for the City to protect native sea turtles by minimizing beachfront lighting and reducing the impact on the native population; and

WHEREAS, the Miami-Dade County Sea Turtle Conservation Program surveys over nineteen (19) miles of beaches daily from March to October inclusive of hatched nests inventories and documentation of hatchling disorientations; and

WHEREAS, high densities of disorientation due to misdirected and artificial lighting were documented within South, Mid, and North Beach in 2022 and 2023; and

WHEREAS, the amendments to the existing ordinance are proposed to further reduce the damaging impacts of artificial light on sea turtles and be consistent with the Florida Fish and Wildlife Conservation Commission's ("FWC") recommendations; and

WHEREAS, the amendments include amending, clarifying, and expanding the definitions in Section 46-202 for consistency with FWC recommendations; and

WHEREAS, the amendments include modifying the prohibitive activities disruptive to marine turtles in Section 46-20 for consistency with FWC recommendations; and

WHEREAS, the amendments include removing the “exceeding 50% of the value of the structure” threshold for renovations to comply with lighting standards for new development; and

WHEREAS, the amendments include modifying the lighting standards for new and existing development to apply to lighting within line of sight of the beach, not just lighting east of the Coastal Construction Control Line (CCCL); and

WHEREAS, the amendments include lighting requirement options for existing interior lights for hotel and commercial properties (non-residential) that are visible from the beach and modify lighting standards.

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives.

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

SECTION 1. Article V of Chapter 46 of the City Code, entitled “Turtle Nesting Protection Ordinance,” is hereby amended as follows:

CHAPTER 46

ENVIRONMENT

* * *

Article V. Turtle Nesting Protection Ordinance

Sec. 46-201. Purpose and Intent.

The purpose of this article is to reduce the impacts of artificial coastal lighting on threatened and endangered sea turtles that nest on the beaches of Miami Beach by restricting artificial lighting and other activities that disorient turtle hatchlings, causing them to crawl toward land rather than toward the ocean. This article is intended to provide overall improvements in nesting habitat degraded by light pollution, and increase successful nesting activity and production of hatchlings. The restrictions and constraints of this article shall be effective within the incorporated areas of Miami Beach and apply to any coastal lighting or other activity that has potential to adversely impact sea turtles within City limits.

Sec. 46-202. Definitions.

Artificial light means any point source of light emanating from a device made by humans, including but not limited to incandescent mercury vapor, metal halide, sodium lamps, fluorescent, flashlights, spotlights, streetlights, vehicular lights, construction lights, security lights, cell phones, flash photography, bonfires, or any light emanating from any reflective surface of the device.

Beach means that area of unconsolidated material that extends landward from the mean low-water line of the Atlantic Ocean, to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation.

~~*Bug type bulb* means any yellow or other colored light bulb that is marketed as being specifically treated in such a way so as to reduce the attraction of bugs to the light.~~

Coastal construction activities mean any work or activity that is likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes.

Coastal Construction Control Line (CCCL) means the line established by the State of Florida pursuant to section 161.053, Florida Statutes, and filed in the public records of the county, which defines that portion of the beach dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

County means Miami-Dade County.

~~*Cumulatively illuminated visible* means illuminated by numerous artificial light sources that as a group are directly or indirectly visible to an observer standing anywhere on illuminate any portion of the beach.~~

Beachwalk means the serpentine path located adjacent to the Atlantic ocean and west of the dune system.

~~*Directly illuminated visible* means illuminated as a result visibility of the glowing elements, lamps, globes, or reflectors of an artificial light source by an observer standing that is visible to an observer on the beach.~~

Dune means a mound or ridge of loose sediments, usually sand-sized, lying landward of the beach and deposited by any natural or artificial mechanism.

F.A.C. means the Florida Administrative Code.

Filmed glass means window glass that has been covered with a film such that the material has a shading coefficient that meets or exceeds the requirements in the F.A.C. Rule 62B-55.004 of forty-five (45) percent or less, adhesive as an integral part, and has performance claims that are supported by approved testing procedures and documentation.

Floodlight means a reflector-type light fixture that may be attached directly to a building, other structure, or free-standing, and is unshielded.

Frontal dune means the first natural or artificial mound or bluff of sand that is located landward of the beach and that has sufficient vegetation, height, continuity and configuration to offer protective value.

Ground-level barrier means any vegetation, natural feature or artificial structure rising from the ground that prevents beachfront lighting from shining directly onto the beach-dune system.

Hatchling means any species of marine turtle, within or outside of a nest, which has recently hatched from an egg.

Indirectly illuminated visible means ~~illuminated~~ reflected light as a result of glowing elements, lamps, globes, or reflectors of an artificial light source ~~that which~~ is not visible to an observer standing anywhere on the beach without the light source being directly visible.

Long wavelength light source means light bulbs or diodes that produce light that measures greater than 560 nanometers and absent wavelengths below 560 nanometers on a spectroscope, which include low-pressure sodium vapor, true red neon, red, orange, or amber light-emitting diode (LED), or other lighting sources that produce light that measures greater than 560 nanometers and absent wavelengths below 560 nanometers.

Low-profile luminaire means a light fixture set on a base that raises the source of light no higher than forty-eight (48) inches off the ground, and designed in such a way that light is directed downward from a hooded light source.

Marine turtle means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as a nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kemp* (Kemp's ridley). For purposes of this section, marine turtle is synonymous with sea turtle.

Minimized means a combination of Low-Shielded-Long light sources including fixtures being mounted as low as possible, using the lowest wattage necessary, completely downward directed and shielded, installing fewer fixtures, using a long wavelength light source, and using only if needed for safety.

Nest means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

Nesting season means the period from April 1 through October 31 of each year.

New development means new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting and glass such as windows, railings, balconies, and doors.

Nighttime means the time period between sunset and sunrise within the city limits of Miami Beach.

Person means individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Pole lighting means a light fixture set on a base or pole that raises the source of the light higher than forty-eight (48) inches off the ground.

Roof top advertising sign means an outdoor advertising display that is mounted on the top of a building's roof.

Solar screens mean screens that are fixed installations and permanently project shade over the entire area of glass area of the window. The screens must be installed on the outside of the glass and must have a shading coefficient that meets or exceeds the requirements in the F.A.C. Rule 62B-55.004, as it may be amended, of forty-five (45) percent or less and have performance claims supported by approved testing procedures and documentation.

Tinted glass means any glass treated to achieve an industry-approved inside-to-outside light transmittal value that meets or exceeds the requirements in the F.A.C. Rule 62B-55.004, as it may be amended of forty-five (45) percent or less. Such transmittance is limited to the visible spectrum (four hundred (400) to seven hundred (700) nanometers) and is measured as the percentage of light that is transmitted through the glass.

Sec. 46-203. Prohibited activities disruptive to marine turtles.

(a) [Prohibited generally.] The following activities involving direct illumination of portions of the beach are prohibited on the beach at nighttime during the nesting season for the protection of nesting marine turtle females, nests and hatchlings:

- (1) The operation of all motorized vehicles, except emergency and law enforcement, or beach maintenance vehicles or those permitted on the beach for marine turtles conservation and/or research. Whenever possible, authorized vehicles used on the beach at night shall have red or amber filters covering the headlights.
- (2) The building of campfires or bonfires.
- (3) Fireworks displays, except those that occur from offshore barges that have a permit from the Fire Department and City special event permits and a Florida Department of Environmental Protection ("DEP") permit or exemption.

(b) Operation of motorized vehicles. During nesting season the operation of all motorized vehicles, except emergency and law enforcement, beach maintenance

vehicles, concessionaire vehicles that have a Beachfront Concession Permit, or those permitted on the beach for marine turtles conservation and/or research, shall be prohibited on the beach unless authorized and/or escorted by the City of Miami Beach Police Department. Additionally, after sunrise the operation of authorized motorized vehicles must wait until Miami-Dade County has conducted its morning sea turtle nesting survey.

~~(b)~~(c) *Special events.* Special events taking place on the beach during nesting season that may have lighting needs shall require a permit or exemption from the Florida Department of Environmental Protection. Additionally, any lighting associated with a special event cannot be visible from the beach after 9:00 p.m. Any authorized lighting must be low wattage long wavelength light source, shielded, and directed away from the beach.

~~(e)~~(d) *Lighting standards for new development.* It is the policy of the City of Miami Beach that no artificial light shall be directly, indirectly, or cumulatively visible from illuminate any area of the beach. The following applies to lighting within line-of-sight of the beach that located east of the Coastal Construction Control Line (CCCL) or lighting that directly illuminates the beach and interferes with turtle nesting. To meet this intent, all public and private properties and uses involving new construction development, or renovations exceeding 50% of the value of the structure as determined by the Building Official, within line-of-sight of the beach located east of the CCCL shall comply with the following:

- (1) Exterior artificial light fixtures shall be designed and positioned so that the point source of light or any reflective surface of the light fixture is not directly, indirectly, or cumulatively visible from the beach; ~~areas seaward of the dune are not directly or indirectly illuminated.~~
- (2) Exterior artificial light fixtures within direct line-of-sight of the beach shall be completely shielded downlight only fixtures, or recessed fixtures having low wattage long wavelength light sources (i.e., "bug" type bulbs of fifty (50) watts or less) and non-reflective interior surfaces. Other fixtures that have appropriate shields, louvers or cut-off features may also be used if in compliance with the requirements of subsection (1) of this section.
- (3) All fixtures shall be mounted as low in elevation as possible through use of low-mounted wall fixtures, wall fixtures fitted with hoods, low bollards, step lights, path lights, paver lights, and ground-level fixtures, so that no light is directly, indirectly, or cumulatively visible from the beach or illuminates the beach.
- (4) Floodlights, upward-oriented lights, spotlights or search lights for decorative and accent purposes, or used as security lights, are prohibited if they would be directly, indirectly, or cumulatively visible from the beach, ~~or would indirectly or cumulatively illuminate the beach.~~
- (5) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number, minimum wattage, and configuration required to achieve the safety and security function in compliance with the provisions of Crime Prevention Through Environmental Design (CPTED). Motion

detectors should be employed to keep lights off except when approached, and such motion detectors should switch lights on for the minimum duration possible.

- (6) Pole lights, if used, shall be fitted with long wavelength light sources and shall be shielded in such a manner that light will be contained primarily within the area that is landward of the pole, and light shall not be directly, indirectly, or cumulatively visible from the beach.
- (7) Lights on balconies, including step lights, that serve as egress areas from building and on catwalks, step lights within line-of-sight of the beach facing the ocean shall be limited to: low profile luminaries fitted with long wavelength light sources and positioned so that no light illuminates or is directly, indirectly, or cumulatively visible from the beach; ~~wall-mounted fixtures fitted with hoods with non-reflective interiors so that no light illuminates the beach or overhead lighting containing bug-type bulbs or other bulbs with fifty (50) watts or less and non-reflective interior surfaces.~~
- (8) Tinted or filmed glass shall be installed on all glass windows, walls, balconies, elevator shafts, stairwells, railings, and glass doors of single and multi-story all structures facing or within line-of-sight of the beach. Shade Solar screens can be substituted for this requirement.
- (9) Parking areas and structures shall be designed and located to prevent vehicular headlights from being directly, or indirectly, or cumulatively visible from illuminating the beach. Parking area and parking structure lighting shall be shielded from the beach through the use of shields that direct light away from the beach, and ground-level barriers designed in conformance to the CPTED principals. Such ground-level barriers shall not interfere with marine turtle nesting or hatchling emergence and shall not cause short or long-term damage to the beach/dune system. Entrances and exits to parking structures shall not face the ocean. Surfaces of parking areas shall not contain ground glass or other reflective material.
- (10) Lighting provided for any outdoor recreational feature on or abutting the beach (such as tennis court, swimming pool, etc.) shall utilize low mounted fixtures such as bollards and path lights, be long wavelength only light sources, and be shielded to prevent light from being directly, or indirectly, or cumulatively visible from illuminating the beach.
- (11) Dune crosswalks, if lighted, shall utilize low profile shielded luminaries fitted with long wavelength light sources and only be used landward of the crest of the dune or beachwalk; no lights are authorized seaward of the dune crest or beachwalk.
- (12) No roof top advertising sign that is illuminated in any fashion shall be permitted. All illuminated signage should be sited on the landward side of the structure and mounted such that it is not within line of sight of the beach. Illuminated signage should use low wattage, long wavelength only light sources that are downward directed and fully shielded.
- (13) Temporary security lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall be the minimum necessary to assure security, shall not spread beyond the

boundary of the property being developed, shall be directed away from the beach, and in no case shall such lights be directly, indirectly, or cumulatively visible from illuminate the beach.

~~(d)~~(e) *Lighting standards for new development that has already been permitted.* The provisions of subsection ~~(d)~~ (e) of this section shall not apply to any structure for which the City of Miami Beach Building Department has issued a building permit prior to the effective date of this division. Such structures shall be governed by the provisions of subsection ~~(f)~~ (e) of this section.

~~(e)~~(f) *Exterior Lighting standards for existing development.* It is the policy of the City of Miami Beach that no artificial outdoor light, shall be directly, indirectly, or cumulatively visible from illuminate any area of the beach. To meet this intent, exterior lighting of existing structures, within line-of-sight of ~~located east of the CCCL and that can be seen from the beach,~~ shall be in compliance with the following:

- (1) Within six (6) months of the effective date of this article, existing artificial light fixtures shall be repositioned, modified, or removed so that the point source of light or any reflective surface is not directly, indirectly or cumulatively visible from the beach.:
 - ~~a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;~~
 - ~~b. Areas seaward of the frontal dune are not directly or indirectly illuminated;~~
and
 - ~~c. Areas seaward of the frontal dune are not cumulatively illuminated.~~
- (2) Within one (1) year of the effective date of this article, the following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting:
 - a. Reposition fixtures so that the point source of light or any reflective surface ~~of the light fixture~~ is no longer directly, indirectly, or cumulatively visible from the beach;
 - b. Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;
 - c. Replace traditional light bulbs with low wattage, long wavelength light sources ~~bug type bulbs not exceeding fifty (50) watts;~~
 - d. Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 - e. Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface ~~of the light fixture~~ is not directly, indirectly, or cumulatively visible from the beach;
 - f. Replace pole lamps that are directly or indirectly visible from the beach with low-profile, low-level luminaries fitted with long wavelength light sources or add shielding so that the light source or any reflective

surface of the light fixture is not directly, indirectly, or cumulatively visible from the beach; If the use of low-level luminaries is not feasible, pole lamps shall be fitted with long wavelength light sources and shall be shielded in such a manner that light shall be contained primarily within the area that is landward of the pole, and light shall not be directly, indirectly, or cumulatively visible from the beach;

- g. Replace incandescent, florescent, and high intensity lighting with the lowest wattage long wavelength light sources ~~low pressure sodium vapor lighting~~ possible for the specific application;
- h. Plan or improve vegetation buffers between the light source and the beach to screen light from the beach;
- i. Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system;
- j. Permanently remove or permanently disable any fixture that cannot be brought into compliance with the provisions of these standards.

(g) Interior lighting standards for existing development. It is the policy of the city of miami beach to reduce the negative effects of interior lighting visible from the beach. To meet this intent, the following standard shall apply to interior lighting of existing structures within line-of-sight of the beach:

(1) Within one year of the effective date of this article, one or more of the following measures shall be taken by hotels and commercial properties to reduce or eliminate the negative effects of existing interior artificial light sources that are directly, indirectly, or cumulatively visible from the beach:

- a. Apply window tint film that meets the light transmittance standards for tinted glass and/or;
- b. Rearrange lamps and other moveable fixtures away from windows and/or;
- c. Use opaque shades or room darkening window treatments (e.g. blinds, curtains, screens) to shield interior light from the beach.

(2) Residential properties and multi-family properties are encouraged to reduce, minimize, or eliminate the negative effects of existing interior artificial light sources visible from the beach at nighttime through the following measures:

- a. Turn off or dim all unnecessary lights and/or;
- b. Apply window tint film that meets the light transmittance standards for tinted glass and/or;
- c. Rearrange lamps and other moveable fixtures away from windows and/or;
- d. Use opaque shades or room darkening window treatments (e.g. blinds, curtains, screens) to shield interior light from the beach.

~~(3)~~ (3) Commercial signage facing the ocean or in the line-of-sight of the beach, except building identification signs, shall not be illuminated during the hours of 9pm - 7am of nesting season within eighteen (18) months of the effective date of this article. Building identification signs within line-of-sight of the beach shall utilize low wattage, long wavelength light sources.

~~(4)~~ (4) Buildings located along Ocean Drive that are east of the CCCL line are allowed to maintain current outdoor lighting. Additional special event spotlights or lighting during turtle season should be minimized after 9pm and/or directed away from the beach. When conducting renovations, buildings are encouraged to replace Neon lighting with true red or amber LED lighting.

~~(f)~~ (h) *Publicly owned lighting.* Street lights, existing lighting at parks, publicly owned parking facilities and publicly owned walkways shall be subject to the following:

- (1) *Streetslights.* Street lights installed after the effective date of this ordinance shall either be located so that the bulk of illumination will travel away from the beach, and shielding is used to prevent light from being directly, indirectly, or cumulatively visible from illuminating the beach, or shall be low profile luminaries. Street lights existing prior to the effective date of this ordinance shall be equipped with shields that prevent light from being directly, indirectly, or cumulatively visible ~~minimize backlighting shall not illuminate the beach and shall reduce visibility from the beach.~~
- (2) *Lighting at parks, publicly owned parking facilities and publicly owned walkways* shall be shielded or shaded during nighttime hours of nesting season so that such lighting is not directly, indirectly, or cumulatively visible from ~~does not illuminate the beach and visibility is reduced from the beach.~~ Such shielding or shading shall not create a CPTED problem or safety hazard for pedestrians.

* * *

Sec. 46-204. Enforcement and Penalties.

Violation of the provisions of this article or failure to comply with any of its requirements shall constitute an offense enforceable pursuant to the enforcement provisions of Section 1-14 and Chapter 30 of this Code. When it has been determined that a violation has occurred, notice of the violation and an opportunity for a hearing shall be served on the property owner. Other person or persons responsible for lighting or management of the property may also be served with notice if determined appropriate by the City administration. Upon refusal, failure or neglect of the person or persons served with a notice of violation to cure the violation within ten (10) days of such notice, or when the violator or the violator's representatives do not appear at the hearing granted pursuant to this Code or as otherwise provided by law, or when an order finding a violation is entered against the violator, the enforcing agency shall notify the property owner, in writing, that an external lighting source causing the violation may be removed by the City within ten (10) business days thereafter. Alternatively, or in addition, at the discretion of the City administration, a daily fine may be assessed against the violator, with such fine to begin

to be assessed within ten (10) business days thereafter, and to be continuously assessed until the conclusion of nesting season or until the violation is corrected. Costs incurred by the City associated with the removal by the City of external lighting sources causing violations shall be recovered from the property owner, or such person or persons causing the violation, and, if not recovered from the person or persons, shall be placed as a lien against the property and reimbursed to the City at time of sale of the property.

* * *

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

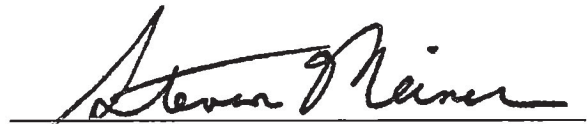
This Ordinance shall take effect on the 9 day of November, 2024.

PASSED AND ADOPTED this 30 day of October, 2024.

ATTEST:



NOV 05 2024


Steven Weiner, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions

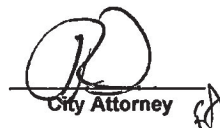
~~Strikethrough~~ denotes deletions

Double underline denotes additions on second reading

~~Strikethrough~~ denotes deletions on second reading

(Sponsored by Commissioner David Suarez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

10/29/2024
Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: October 30, 2024 10:35 a.m. Second Reading Public Hearing

TITLE: TURTLE NESTING PROTECTION AMENDMENT
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE MIAMI BEACH CITY CODE. ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE V, ENTITLED "TURTLE NESTING PROTECTION ORDINANCE," BY AMENDING SECTIONS 46-202, AND 46-203 THEREOF TO STRENGTHEN AND CLARIFY THE PROVISIONS OF THE EXISTING ORDINANCE AND INCLUDE RECOMMENDED MODIFICATIONS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION ("FWC"); AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission adopt the subject ordinance at Second Reading public hearing set for October 30, 2024.

BACKGROUND/HISTORY

On September 6, 2006, Ordinance No. 2006-3525 was adopted to protect the native sea turtle population by minimizing beachfront lighting to reduce the negative impact on nesting and hatchling sea turtles.

On September 11, 2024, the Mayor and City Commission approved the Ordinance amendment on First Reading to strengthen and clarify the provisions of the ordinance passed in 2006 and include recommended modifications by the Florida Fish and Wildlife Conservation Commission (FWC). During the item discussion, the City Commission requested the interior existing artificial lighting requirement proposed in the amendments apply only to hotels and commercial properties and not apply to residential properties. In addition, it was recommended to include language regarding education and encouraging residents to adopt sea turtle-friendly lighting practices. The changes are included in the Second Reading of the Ordinance.

ANALYSIS

Sea Turtles are protected by the US Endangered Species Act of 1973 and Florida Statute Chapter 370. It is illegal to harm or harass sea turtles, their nests, or hatchlings. The City of Miami Beach is a nesting habitat for three species of protected sea turtles: Loggerhead, Green, and Leatherback sea turtles. The handling of turtles and nests is regulated by the state agency, Florida Fish and Wildlife Conservation Commission (FWC). Sea turtle nesting season in the State of Florida occurs between May 1 and October 31; however, sea turtle nesting begins on April 1st in the City of Miami Beach to account for the earlier Leatherback nesting season.

On beaches where artificial lighting is visible, females may be deterred from nesting and the hatchlings' journey to the sea can be disrupted as they can become disoriented, causing them to

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crawl away from the ocean and toward the artificial light. Hatchlings are attracted to the brightest source of light, which on an unlit beach would be the reflection of the moon off the surf. Beachfront lighting has been documented to negatively affect nesting females and often results in reduced or abnormal nesting activity. Visible light sources and the reflection of "glow" resulting from the cumulative effects of coastal lights contribute to this problem.

The City of Miami Beach is dedicated to the conservation and preservation of its natural resources and works with many stakeholders in advance of and through Sea Turtle Nesting Season as detailed in LTC No. 020-2024. The Environment and Sustainability Department is also implementing Flip the Switch, a communications campaign funded through a competitively awarded Sea Turtle Conservancy grant.

The Miami-Dade County Sea Turtle Conservation Program works under a Marine Turtle Permit issued by FWC to survey over nineteen (19) miles of beaches from March to October. The surveys begin at sunrise every morning during sea turtle nesting season which include dedicated County staff identifying, marking off, and where applicable, relocating nests. No beach activities (beach maintenance operations, sand sifting, litter collection, concessionaire operations, special events, etc.) can begin before the daily survey is completed and County staff gives the authorization to begin activities on the beach. They also inventory hatched nests and document hatchling disorientations. According to the County, high densities of disorientation due to misdirected and artificial lighting were documented within South, Mid, and North Beach in 2022 and 2023. In 2023, 71 disorientation events out of 158 total nests were documented within Miami Beach. This equates to approximately 45% of nests that were disoriented due to misdirected artificial lighting. With an approximately 45% disorientation rate, Miami Beach has the second highest "disoriented nests per mile" rate in Miami-Dade County.

The objective of the ordinance amendment is to further reduce the damaging impacts of artificial light on sea turtles by updating sections of the ordinance for consistency with FWC recommendations. As such, modified language has been added throughout the ordinance to clarify lighting requirements and the major recommendations include but are not limited to the following:

- Amending, clarifying, and expanding the definitions in Section 46-202
 - Cell phones and flash photography have been added as sources of artificial light
 - The "Bug type bulb" definition has been removed as it is outdated,
 - The terms 'Beachwalk', 'F.A.C.', 'Long wavelength light source', 'Minimized', 'New Development', and 'Roof top advertising sign' have been added and defined,
 - Definitions pertaining to light source type, 'Filmed glass', 'Solar screens', and 'Tinted glass' have been amended.
- Modifying the prohibited activities disruptive to marine turtles in Section 46-203(a) –(c)
 - Language was added recommending the use of red or amber filters on vehicle headlights for vehicles authorized on the beach at night.
 - Fireworks displays are prohibited on the beachfront. Fireworks displays can occur from offshore barges provided they have approval from the Fire Department and a Florida Department of Environmental Protection permit or exemption,
 - The operation of motorized vehicles during nesting season is prohibited unless otherwise specified by the ordinance,
 - Lighting associated with special events cannot be visible from the beach after 9:00 p.m. to be consistent with FDEP and County requirements.
- Lighting standards for new development in Section 46-203(d)

- Remove the “exceeding 50% of the value of the structure as determined by the Building Official” threshold for renovations to comply with lighting standards for new development,
- Modify the lighting standards for new development to apply to lighting within line-of-sight of the beach, not just lighting east of the Coastal Construction Control Line (CCCL).
- Lighting standards for existing development in Section 46-203(f)
 - Modify the lighting standards for existing development to apply to lighting within line-of-sight of the beach, not just lighting east of the Coastal Construction Control Line (CCCL).

During the item discussion at First Reading, the City Commission requested the interior existing artificial lighting requirement proposed in the amendments apply only to hotels and commercial properties and not apply to residential properties. In addition, it was recommended to include language regarding education and encouraging residents to adopt sea turtle-friendly lighting practices.

Between First and Second Reading, the following section of the ordinance was amended to address the above-mentioned recommendations of the Mayor and City Commission as follows:

- Include lighting requirements options for existing interior lights that are visible from the beach for hotels and commercial properties
 - Apply window tint of film that meets the light transmittance standards for tinted glass and/or,
 - Rearrange lamps and other moveable fixtures away from windows and/or,
 - Use of opaque shades or room darkening window treatments (e.g. blinds, curtains, screens) to shield interior lights from the beach.
- Encourage residential buildings and multi-family properties to reduce, minimize, or eliminate existing interior lighting visible from the beach by taking any of the following measures
 - Turn off or dim all unnecessary lights and/or,
 - Apply window tint film that meets the light transmittance standards for tinted glass and/or,
 - Rearrange lamps and other moveable fixtures away from windows and/or,
 - Use opaque shades or room darkening window treatments (e.g. blinds, curtains, screens) to shield interior light from the beach.

Additionally, the educational component of the Ordinance will be enhanced. The Flip the Switch campaign will continue to be implemented in the next nesting season to further sea turtle conservation efforts. Leading up to the 2025 sea turtle nesting season, the Administration plans to focus on hotels, neighborhood and building associations and concessionaires as critical stakeholders to increase education and compliance with the ordinance. In addition, the Administration has met with the Greater Miami and the Beaches Visitors and Convention Bureau and Miami-Dade County Parks, Recreation, and Open Spaces Department to target an education campaign focused on eco-tourism.

FISCAL IMPACT STATEMENT

N/A

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

THE BUSINESS IMPACT ESTIMATE

In accordance with Section 166.041(4), Florida Statutes, the City of Miami Beach is required to assess whether a Business Impact Estimate is required for the subject ordinance.

The Business Impact Estimate (BIE) was published on October 11, 2024.
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>.

FINANCIAL INFORMATION

N/A

CONCLUSION

The Administration recommends the Mayor and City Commission approve the subject ordinance to further reduce the damaging impacts of artificial light on the native sea turtle population by integrating Florida Fish and Wildlife Conservation Commission recommendations. Information regarding the ordinance will be communicated widely through a public outreach process and informational campaign.

Applicable Area

Citywide

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

Yes

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

Environment and Sustainability

Sponsor(s)

Commissioner David Suarez

Co-sponsor(s)

Click or tap here to enter text.

Condensed Title

10:35 a.m. 2nd Rdg, Turtle Nesting Protection Ordinance Amendment. (Suarez) EN

MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 020-2024

LETTER TO COMMISSION

TO: Honorable Mayor Steven Meiner and Members of the City Commission

FROM: Alina Hudak, City Manager 

DATE: January 19, 2024

SUBJECT: 2024 Sea Turtle Nesting Season in Miami Beach

The City of Miami Beach is dedicated to the conservation and preservation of its natural resources, including the protection of sea turtles that nest annually on our beaches. City Ordinance No. 2006-3525 restricts artificial lighting during nesting season between April 1 and October 31 (Ord. No. 2006-3525). Each year, the City refines its procedures to prepare for the upcoming nesting season and I am pleased to share an update.

Education and Events

The Environment and Sustainability Department was awarded a competitive grant by the Sea Turtle Conservancy in the amount of \$13,550 to launch a campaign for the 2024 sea turtle nesting season. The Department is working closely with the Office of Marketing and Communications to launch the **"Flip the Switch"** campaign to increase awareness and compliance of turtle-friendly lighting. The objective is to reduce the damaging impacts of artificial light on sea turtles by implementing low, long, and shielded lighting practices. On beaches where artificial lighting is visible, females may be deterred from nesting and the hatchlings' important journey to the sea can be disrupted. This poses a serious threat to sea turtle hatchlings as they can become disoriented, causing them to crawl away from the ocean and toward the artificial light.



Digital messaging will be disseminated via all social media channels and will include digital ads, paid social ads, and a public service announcement (PSA). Printed advertisements will include bus shelters, physical flyers, stickers, magnets, and a featured article in the Spring edition of the Miami Beach Magazine. Furthermore, the campaign will engage the community and target population through regular newsletters during the nesting season, emphasizing the critical importance of protecting sea turtles.

To learn more about sea turtle nesting season here on Miami Beach and how community members can help, the City is pleased to announce the following events for the community this season:

- Miami-Dade County will be hosting a **Sea Turtle Awareness Public Workshop on Saturday, January 20 at the North Shore Park Youth Center (501 72nd Street) at 12:30 pm and on Saturday, February 10 at the Miami Beach Regional Library (227 22nd Street) at 12:30 pm.**
- The Environment and Sustainability Department will be hosting **Turtle Fest on April 20 at Altos del Mar Park (76th Street & Collins Avenue).** This family fun event was

first held in 2023 and celebrates the start of sea turtle nesting season to raise awareness about sea turtle conservation.

Background



Sea Turtles are protected by the US Endangered Species Act of 1973 and Florida Statute Chapter 370. It is illegal to harm or harass sea turtles, their nests, or hatchlings. The City of Miami Beach is a nesting habitat for three species of protected sea turtles: Loggerhead, Green, and Leatherback sea turtles. Handling of turtles and nests is regulated by the state agency, the Florida Fish & Wildlife Conservation Commission (FWC).

Sea turtle nesting season in the State of Florida occurs between May 1 and October 31; however, sea turtle nesting begins on April 1st in Miami Beach to account for the earlier Leatherback nesting season. Locally, the Miami-Dade County Sea Turtle

Conservation Program (MDCSTCP) is responsible for spearheading sea turtle conservation efforts. FWC issued a permit to the County that allows County staff to handle sea turtle nests and hatchlings, and conduct daily inspections on our beaches.

County staff began sea turtle nesting surveys on March 1st for the 2023 turtle season. The surveys begin at sunrise every morning during sea turtle nesting season which include dedicated County staff identifying, marking off, and where applicable, relocating nests. They also inventory hatched nests and document hatchling disorientations. No beach activities (beach maintenance operations, sand sifting, litter collection, concessionaire operations, special events, etc.) can begin before the daily survey is completed and County staff gives the authorization to begin activities on the beach. This prevents the loss of sea turtle tracks used to identify nests, as well as potential collisions with nesting sea turtles or newly laid nests. All nests identified by County staff during the survey are marked and surrounded by caution tape the same morning they are discovered, signaling the public to maintain a safe buffer of at least 10 feet. Furthermore, the City will continue to work closely with the County to help address any lighting or conservation concerns along our beaches as the season continues.

City Efforts

A successful sea turtle season relies on the entire community to help prepare our beaches for sea turtle nesting season. For this reason, the City implements strategies and conducts extensive education and outreach to the community to increase sea turtle awareness.

The Environment and Sustainability Department has been working with various external stakeholders and City departments on short- and long-term strategies to enhance the protection of our native sea turtle population. Efforts include coordination with FWC and the County, internal training for Code Compliance Officers, installation of lighting retrofits to include amber lights or shading for City beachfront properties—including parks, parking lots, and community workshops.

The Code Compliance Department enforces the City's Turtle Nesting Protection Ordinance through proactive inspections and complaints. Code Compliance distributes information

annually to beachfront properties to remind them to reduce unnecessary artificial light sources, keep blinds closed at night, and not harass nesting sea turtles.

If you have any questions, please contact Amy Knowles, Chief Resilience Officer, at AmyKnowles@miamibeachfl.gov or Lindsey Precht, Assistant Director of the Environment & Sustainability Department, at LindseyPrecht@miamibeachfl.gov.

ATH/EC/AK



BOARD OF DIRECTORS

April 17, 2025

Via Email

The Honorable Eric Carpenter
City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Subject: South Beach Holiday Fireworks

Dear Mr. Carpenter:

As think you know, we have been advised that all South Beach holiday fireworks activity must emanate from “offshore barges” rather than the “on beach” historical approach. We understand this is based on a very commendable effort to preserve appropriate conditions for Sea Turtle activity on the beach. Noting also that the Ocean Drive Association, and the businesses we represent, have partnered with the city for many years to manage and fund the fireworks activations on both July 4th and New Year’s Eve.

We are writing now to advise you that the cost of such activations, particularly now with the profound additional cost of securing offshore barges (to the extent they are available at all), makes our continued financial support of these activities that benefit of the entire Miami Beach community beyond our capacity to fund.

We would be delighted to have ODA leadership to continue to manage the program if the city chooses to fund the full cost of the two principal holiday fireworks activations

Respectfully,

The Board of Directors

CC: Mayor Steven Meiner
Commissioner Tanya Bhatt
Commissioner Laura Dominguez
Commissioner Alex Fernandez
Commissioner Joe Magazine
Commissioner Kristen Rosen Gonzalez
Commissioner David Suarez

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Executive Director*



Explosive Touch Enterprises, LLC.
ATF 1-FL-061-23-5L-01157
4260 Amelia Plantation Court
Vero Beach, FL 32967

Billed To
Alfie Feola
Ocean Drive Improvement
Association
760 Ocean Drive
Suite 9
Miami Beach, FL 33139

Date of Issue
05/13/2025

Due Date
05/13/2025

Invoice Number
0000556

Reference
July 4th, 2025
Fireworks Display
with ABS Barge

Amount Due (USD)
\$100,000.00

Description	Rate	Qty	Line Total
Professional Fireworks Display & PYRO Services Professional Fireworks Display on July 4th, 2025 with ABS Barge	\$45,000.00	1	\$45,000.00
ABS Barge & Tug Ocean Going Barge, Tug, Fuel & Lube for Fireworks Display	\$55,000.00	1	\$55,000.00

Subtotal	100,000.00
Tax	0.00
Total	100,000.00
Amount Paid	0.00

Payment Schedule

Payment (1 of 2)	Due May 12, 2025	\$50,000.00
Payment (2 of 2)	Due Jul 4, 2025	\$50,000.00

Amount Due (USD) \$100,000.00

Notes

Barge Company added \$8,500.00 in additional fees in addition to the original quote amount for Surcharges & Required On-Hire/Off-Hire Surveys that are completed by Third-Party Surveyors. Total Cost should be \$108,500.00.

Terms



PROFESSIONAL FIREWORKS DISPLAY

SERVICE CONTRACT

Contract #:	25-0036
Sponsor:	Ocean Drive Improvement Association
Contact/Client:	Alfie Feola
Date of Display:	July 4th, 2025
Location:	On ABS Barge Offshore near Lummus Park @ 1130 Ocean Drive Miami Beach, FL 33139
Time:	Appx. 9:00PM
Duration:	13 Minutes
Show Price:	\$100,000.00
Deposit Required:	\$50,000.00
Other details:	Company will secure all permits

Scope of Work:	13 Minute Aerial Fireworks Display
utilizing high quality 1.3G Fireworks. Display will be 100% electronically fired	
and will include 3 segments: Opener, Body & Grand Finale.	
Company will secure ALL permits required for display.	

Shells Included: 1'-2.5': 1,200; 3": 500; 4": 280; 5": 120; 6":99; 7":8; 8": 8

AF Initials

EXPLOSIVE



TOUCH ENTERPRISES

We the undersigned, being interested in a fireworks display for July 4th, 2025
agree to pay a total price of \$ 100,000.00 for the display agreed upon, and the display will be
produced by Explosive Touch Enterprises, LLC.

TERMS AND CONDITIONS:

The undersigned, intending to be legally bound, agree as follows:

1. Sponsor to make a deposit payment of 50% of the contract price upon signing of contract. If the display is being contracted within 30 days of display date, deposit payment is due immediately to ensure enough time to acquire permits. PERMITS WILL NOT BE SECURED FOR THIS EVENT WITHOUT DEPOSIT PAYMENT BEING RECEIVED. Balance Payment due 14 days prior.
2. In the event Sponsor shall fail to pay any sum when due under the terms of this contract, Sponsor shall pay, in addition to such amount, interest at the rate of 1.5% per month on the unpaid amount from the original due date. Sponsor does further agree that it shall pay Explosive Touch Enterprises, LLC. reasonable attorney fees and court costs in the event Explosive Touch Enterprises, LLC. shall commence suit or incur fees to compel Sponsor to pay any sums due hereunder or otherwise as a result of Sponsor's default of any of the terms and provisions herein contained.
3. If event is on land, sponsor to furnish police and/or crowd security personnel, provide proper parking supervision, and insure adequate patrol of the safety zone as marked and secured by the sponsor until Explosive Touch Enterprises, LLC advises that it is no longer required. Explosive Touch Enterprises, LLC is not responsible for clean-up of extended range debris for land-based shows other than company equipment, supplies and packing materials. A land based fireworks display will produce an extended range debris field depending on wind speed. Sponsor shall be responsible for the clean-up of any such debris.
4. If event is over the water, Explosive Touch Enterprises, LLC will be responsible for marine event permit, and for the control of safety zone.
5. Explosive Touch Enterprises, LLC reserves the right to stop the display in the event persons, vehicles or animals enter the secured safety zone and security is unable or unwilling to remove them and enforce the safety regulations.
6. Explosive Touch Enterprises, LLC will obtain and furnish at its expense all applicable licenses, permits and a minimum of \$1,000,000.00 liability insurance for your electronically fired display. Explosive Touch Enterprises, LLC. will obtain all necessary government approvals for the display.
7. In accordance with local regulations and ordinances, fireworks displays shall not take place later than 10:30pm unless approval is obtained from the governing authority. The restrictions shall not be applicable with regards to holidays such as December 31, January 1, or other national holidays. If for some reason, shoot time does not occur before the allotted time and shoot is canceled due to local authority or expiration of permit, Sponsor is liable for full payment of display.
8. Sponsor holds Harmless Explosive Touch Enterprises, LLC from any claims that do not directly relate to damages produced by Explosive Touch Enterprises, LLC's staff, equipment or pyrotechnic material. The Sponsors agree to give Explosive Touch Enterprises, LLC prompt notice of any claims or demands and to cooperate with Explosive Touch Enterprises, LLC or its successors in interest or assigns, if any, in the defense of any such claims and/or demands. The Sponsors agree to indemnify, and hold Explosive Touch Enterprises, LLC. harmless against any and all liability claims, damages, losses, expenses and costs, including attorney fees that arise out of the display(s) which is subject of this contract except for liability which is due solely to negligence on the part of Explosive Touch Enterprises, LLC. or its staff or equipment or pyrotechnic material provided by Explosive Touch Enterprises, LLC. or its staff.
9. CREDITS: As a material inducement to Explosive Touch Enterprises, LLC. agreeing to enter into this agreement, Sponsor shall give Explosive Touch Enterprises, LLC. program credit as sole fireworks supplier and producer in all press releases, advertising and any other program announcements, printed or otherwise.

AF Initials

10. If show is canceled due to actions unrelated to the actions or inactions of Explosive Touch Enterprises, LLC or its staff, equipment or pyrotechnic material, sponsor is responsible for any permit, fire watch or barge/tug fees, if applicable. Additionally, if the aforementioned cancellation occurs, sponsor will be responsible for load in/ load out expenses not to exceed 50% of budget. If show is stopped while in progress for any reason, Sponsor will still be responsible for contract amount minus the cost of material not discharged, unless the stoppage is due to the actions of Explosive Touch Enterprises, LLC or its staff or due to problems with the equipment or pyrotechnic material of, or provided by Explosive Touch Enterprises, LLC or its staff, in which case Explosive Touch Enterprises, LLC shall be in default under this agreement.
11. If wind exceeds 20mph, fireworks display will be postponed to an agreed date between sponsor and Explosive Touch Enterprises, LLC.
12. Inclement Weather: Explosive Touch Enterprises, LLC. will make every attempt to execute all fireworks displays as scheduled. Explosive Touch Enterprises, LLC. reserves the right to postpone a display for safety hazards caused by inclement weather. The Sponsors shall cover the additional costs reasonably incurred by shooting the display on a mutually agreed upon alternate date. The additional cost for shooting the display on an alternate date shall not exceed 10% of the display budget.
13. Rain Date policy is as follows: Postponement time is 11:59am on the day of display.
14. If the delivery and/or exhibition of the fireworks are postponed by reason of inclement weather, it shall be re-scheduled to the Inclement Weather Date set forth by Sponsor.
15. In the event a reschedule occurs and is unrelated to the actions or inactions of Explosive Touch Enterprises, LLC or its staff, and additional fees are incurred by Explosive Touch Enterprises, LLC such as permitting, fire watch, police, barge, etc, Sponsor will be responsible for these fees as they are automatically charged to us.
16. Sponsor agrees to notify Explosive Touch Enterprises, LLC of any unknown changes of said fireworks display such as change of venue, change of time or any other unknown change a minimum of 14 days prior to display date. If for any reason an unknown change does not allow for the setup and execution of fireworks display, sponsor is responsible for 50% deposit.
17. Client agrees to provide Explosive Touch Enterprises, LLC with an adequate firing area that is necessary to produce a safe fireworks program. If for any reason on the day of display the firing area is considered unsafe (Ex: Flooding/Standing water is present, muddy terrain or other hazards) to execute the fireworks display, Sponsor is still liable for 50% of Show Budget.
18. If Sponsor has accepted a pre-payment discount offer at signing of contract, sponsor understands that if for any reason sponsor cancels fireworks display, that 50% of the pre-payment amount is forfeited.
19. Marketing: Explosive Touch Enterprises, LLC may use public displays for promotional use, including but not limited to videotaping and providing invitations to current and/or potential customers to view the display setup site and the fireworks display. For private displays, Explosive Touch Enterprises, LLC will seek approval from Sponsors before making such invitations. In return for marketing privileges, Explosive Touch Enterprises may donate products and services to enhance the display.
20. Force Majeure: Explosive Touch Enterprises, LLC will take all reasonable steps to complete its obligations under this contract. However, Explosive Touch Enterprises, LLC shall not be held responsible for failure to perform its obligations under this contract if such failure is a result of an act of God including extreme weather, natural disaster, terrorism, war, or any extraordinary circumstance beyond its control.
21. Default: If Sponsor fails to timely perform any of its obligations under this Agreement, Sponsor shall be in default and Explosive Touch Enterprises, LLC shall be entitled to pursue all remedies available under Florida law or equity. However, notwithstanding the foregoing, if the display is canceled by Sponsor due to acts of force majeure referenced in Paragraph 20 above, or any other reason unrelated to the actions or inactions of Explosive Touch Enterprises, LLC, or its staff or due to the equipment or pyrotechnic material of or provided by Explosive Touch Enterprises, LLC or its staff, Explosive Touch Enterprises, LLC. shall be entitled to retain the 50% deposit as its liquidated damages due to the difficulty of determining Explosive Touch Enterprises, LLC. damages arising from such a cancellation. If Explosive Touch Enterprises, LLC fails to timely perform any of its obligations under this agreement Explosive Touch Enterprises, LLC shall be in default and Sponsor shall be entitled to withhold any future payment due hereunder and pursue all remedies available to Sponsor under Florida law or equity.
22. Terms & Conditions: This agreement shall be governed by and construed in accordance with the laws of the state of Florida. This agreement is non-binding irrespective of endorsement until the 50% deposit has been satisfied and notice presented by Explosive Touch Enterprises, LLC.
23. Venue Guarantee: Sponsor agrees to forfeiture of the 50% deposit and all other incurred fees In the event the venue does not make proper arrangements and display must be canceled. Any required changes, moves or special instructions for display site will be provided in written format at time of permitting. This would include but not limited to moving boats, yachts, vehicles or other necessary items in the fallout zone.

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24. **Important Note:** Items listed for this fireworks display require a firing area that conforms to NFPA 1123, which states that there must be at least 70 feet per inch of shell diameter between firing site and any spectators, cars or buildings.
25. **Disputes:** The prevailing party in any legal dispute between the parties to this agreement shall be entitled to recover its reasonable attorney's fees, expert witness fees and court and litigation costs relating to the dispute, including appellate proceedings.
26. **Additional Insureds:** It is agreed that Explosive Touch Enterprises, LLC. will provide additional insured status to the persons, entity and/or entities required as a condition of performing the aforementioned pyrotechnics display.



Display Coordination Contact (DCC)

Please provide information for a primary contact person who can be reached on the date of your event. This will help to ensure smooth and accurate execution of your display:

Name: Alfie Feola

Title: Treasurer, Ocean Drive Improvement Assoc.

Work Phone: _____

Cell Phone: 305-773-8094

E-mail Address: ohfeo@atlanticbb.net

NOTE 1: The DCC information provided above is transferred to the Shooter in Charge (SIC) for the day of display. Please make sure that all information provided is accurate and correct so that there are no setbacks or communication errors for successful operations.

NOTE 2: Golf Courses, Hotels & Any other venues with Automatic Sprinkler systems, please make sure to notify your operational or maintenance staff to deactivate outdoor sprinkler systems in the immediate area of the display site.

AF Initials



Explosive Touch Enterprises, LLC. upon acceptance of this contract in writing, agrees to fulfill the contract in a workmanlike and professional manner.

May 9, 2025

Date

Ocean Drive Improvement Association

Sponsor or Client Name

City of Miami Beach

Sponsor or Client Title

Al Feola

Signature

Explosive Touch Enterprises, LLC.

Display Company

President/Owner

Title

J Weppel

Signature

Please e-mail signed contract to info@explosivetouch.com and make payment of \$50,000.00 to officially bind this contract for your fireworks display.

Thank you for choosing



to produce your fireworks spectacular!

AF

Initials

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A ONE-TIME ADDITIONAL SPECIAL EVENT SPONSORSHIP FOR THE OCEAN DRIVE ASSOCIATION JULY 4, 2025, EVENT FIREWORKS DISPLAY FUNDING GAP IN AN AMOUNT UP TO \$50,000; AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE SPONSORSHIP AGREEMENT RELATED TO THE APPROVED FUNDING.

WHEREAS, the Ocean Drive Association ("ODA"), in partnership with the City of Miami Beach, has hosted annual Independence Day fireworks on the Lummus Park beachfront for over a decade; and

WHEREAS, in recent years, the ODA has expanded its Independence Day celebration to include a patriotic concert on Ocean Drive and 12th Street, featuring an orchestra performance by the Miami Beach Classical Music Festival; and

WHEREAS, as part of its partnership, the City of Miami Beach provides special event sponsorship to the ODA in the amount of \$50,000 in matching funds for fireworks displays for Independence Day and New Year's Eve; and

WHEREAS, on October 30, 2024, the Mayor and City Commission adopted an amendment to the Turtle Nesting Protection Ordinance No. 2024-4652, which restricts fireworks displays on the beachfront during turtle nesting season but permits displays from offshore barges; and

WHEREAS, the ODA has indicated that securing an offshore barge for the July 4, 2025, fireworks display is cost prohibitive and has requested that the City fund the remaining \$50,000 necessary to cover the cost of the barge and fireworks activation; and

WHEREAS, the ODA has submitted a fully executed agreement with Explosive Touch Enterprises, a fireworks vendor, detailing a total cost of \$100,000 for the fireworks display and offshore barge; and

WHEREAS, the Administration recommends a one-time special event sponsorship in an amount of up to \$50,000 to support the Ocean Drive Association's offshore barge fireworks display for Independence Day 2025, with future funding requests to be considered during the FY2026 budget process.

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 approve a one-time additional special event sponsorship for the Ocean Drive Association July 4, 2025, event fireworks display funding gap in an amount

up to \$50,000; and further authorizing the City Manager and City Clerk to execute the sponsorship agreement related to the approved funding.


PASSED and **ADOPTED** this ___ day of _____, 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *MA*

5/20/2025
Date