

C7 AS A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO AMEND THE OUTDOOR DINING CONCESSION AGREEMENTS WITH SELECTED RESTAURANTEURS FOR THE CONTRACT TERM COMMENCING OCTOBER 1, 2025, TO INCLUDE A NEW CONTRACTUAL TERM IN THE CONCESSION AGREEMENT TEMPLATE WHEREIN THE CONCESSIONAIRE VOLUNTARILY AGREES NOT TO ALLOW THE SMOKING OF CIGARETTES ANYWHERE IN THE CONCESSION AREA.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: June 25, 2025

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

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The attached resolution is presented at the request of the sponsor, Commissioner David Suarez.

FISCAL IMPACT STATEMENT

N/A

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-notices/>

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 David Suarez

Co-sponsor(s)

Commissioner Alex Fernandez

Condensed Title

Cigarette Smoking at Outdoor Dining Concessions (Suarez/Fernandez) CA

Previous Action (For City Clerk Use Only)

RESOLUTION NO. _____

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

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

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

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

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

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

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

PASSED AND ADOPTED this ____ day of _____ 2025.

ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by Commissioner David Suarez)

Mayor Steven Meiner

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney RR

6/12/2025
Date